

their customers. It is also working great hardship to industrials and corporations desiring to buy liberty bonds. If payment of taxes in installments is permitted it will greatly relieve this situation and contribute materially to successes of the liberty loan in the great Middle West.

U. G. ORENFORFF,  
Chairman Fulton County Liberty Loan Committee.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on April 10, 1918, approved and signed bills of the following title:

H. R. 2316. An act to promote export trade, and for other purposes; and

S. 3400. An act to regulate the pay of retired chief warrant officers and warrant officers on active duty.

#### ADJOURNMENT.

Mr. FIELDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Friday, April 12, 1918, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Public Printer, transmitting schedules of useless files of papers and records of the office of the superintendent of documents that are no longer of any value or use to that office (H. Doc. No. 1034); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War submitting a claim for damages by river and harbor work which has been adjusted and settled by the Chief of Engineers and approved by the Secretary of War (H. Doc. No. 1035); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FULLER of Massachusetts, from the Committee on Claims, to which was referred the bill (H. R. 2207) for the relief of Arthur Wendle Englert, reported the same with amendment, accompanied by a report (No. 484), which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 3106) granting a pension to Elizabeth M. Keefe, and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. O'SHAUNESSY: A bill (H. R. 1392) to authorize the coinage of 15-cent pieces, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. WHALEY: A bill (H. R. 11393) to authorize the Columbia Railway & Navigation Co. to construct a canal connecting the Santee River and the Cooper River in the State of South Carolina; to the Committee on Interstate and Foreign Commerce.

By Mr. FRANCIS: Resolution (H. Res. 307) directing the Committee on Expenditures in the Post Office Department to institute an examination of the accounts and expenditures of the Post Office Department, and for other purposes.

By Mr. SHERWOOD: Resolution (H. Res. 308) providing for pay for examiner detailed to the Committee on Invalid Pensions from the Bureau of Pensions; to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLITTLE: A bill (H. R. 11394) granting a pension to Bertha Zwicker; to the Committee on Invalid Pensions.

By Mr. DRUKKER: A bill (H. R. 11395) granting an increase of pension to Wilson Lord; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 11396) granting an increase of pension to Allen B. O'Conner; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 11397) granting an increase of pension to Montrose Washburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11398) granting a pension to Mary M. Gun-solus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11399) granting a pension to Jane Tilly; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 11400) granting an increase of pension to John T. Glover; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 11401) granting an increase of pension to Joseph Seiger; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11402) granting an increase of pension to Daniel A. Larkin; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 11403) granting an increase of pension to David W. McMeen; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 11404) granting an increase of pension to G. S. Scott; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11405) granting a pension to Lillie E. Justice; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 11406) granting a pension to James R. Mowry; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE of New York: Petition of New York State Ice Manufacturers' Association, against passage of increased second-class postage; to the Committee on Ways and Means.

By Mr. ESCH: Memorial of Boy Scouts of America, pledging help in every way to win the war; to the Committee on Military Affairs.

Also, memorial of the county and ward workers of the La Crosse County (Wis.) Council of Defense, favoring giving power to Food Administrator to commandeer the barley in the malt houses in the United States; to the Committee on Agriculture.

By Mr. RAMSEYER: Petition of C. E. Luffin, Mahaska County, Iowa, asking law to permit payment of Federal taxes in installments; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Memorial of the Bismarck Clearing House Association on April 5, 1918, recommending that the payment of income tax and excess-profits taxes be permitted upon the installment plan; to the Committee on Ways and Means.

#### SENATE.

FRIDAY, April 12, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in these terrible times we bless Thee that the American people are learning to pray. We have found from the problems confronting us that human wisdom is not sufficient for human life and that the power of the human arm, no matter how great, how strong, is not sufficient for the battle of life. We turn to Thee, the God of all nations and of all men, whose mighty arm is not weakened and who has still power to save. We pray that Thou wilt guide us and make us Thine own instruments for the establishment of justice and peace and brotherhood in all the earth. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore assumed the chair.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Saturday, April 6, 1918, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

STREETS IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 213).

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 1st instant, a report relative to the proceedings that have been instituted for the opening, extension, widening, or straightening of alleys and minor streets in the city of Washington, D. C., which was referred to the Committee on the District of Columbia and ordered to be printed.

#### ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 2917. An act to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual

provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes";

S. 3528. An act to suspend for the period of the present war sections 45, 46, and 56 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes; and

S. 3863. An act to provide quarters or commutation thereof to commissioned officers in certain cases.

#### PETITIONS AND MEMORIALS.

Mr. LODGE. Mr. President, I desire to present resolutions sent me from the National Security League. They are very brief, and I will read them:

Whereas it is evident that any information that may be issued by the Government to the American people must be absolutely correct, lest the confidence of the Nation be undermined and credence be finally denied to news from such sources, though reliable; and

Whereas it is the inalienable right of the American people that such news as is given them be reliable in order that the administration be upheld through the unity of the people and the war prosecuted to a successful issue: Be it

*Resolved*, That it is the sense of the executive committee of the National Security League that national safety requires that the Bureau of Public Information be under the direction of a committee of three or five men not holding any other public office, selected because of their high standing and experience and irrespective of political affiliations; and it urges on Congress the enactment of legislation to that end.

Very truly, yours,

S. STANWOOD MENKEN.

Mr. Menken is president, Elihu Root is honorary president, and Alton B. Parker honorary vice president. I move that the letter be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. LODGE. I also present resolutions of the Massachusetts Real Estate Exchange favoring the appointment of Government experts to fix the price of raw cotton. I move that the resolutions be referred to the Committee on Manufactures.

The motion was agreed to.

Mr. JONES of Washington. Mr. President, I present a protest from the Woman's Club of Puyallup, Wash., and also one from the Olga Energetic Club, of Olga, Wash., against the zone system in second-class postal rates.

I wish to say that I have received a great many protests and a great many letters of the same tenor that I have not presented to the Senate, but I simply take this opportunity to make that statement for the RECORD. I move that the memorials be referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

Mr. JONES of Washington. I also present a memorial from the Woman's Club of Puyallup, Wash., against permitting grazing within the limits of national forests. I move that the memorial be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. HARDING. I send to the desk a resolution adopted by the board of education of the city of Cleveland, Ohio, in favor of universal military training. I ask that it be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

*To the President of the United States of America, Woodrow Wilson:*

Resolution adopted by the board of education of the city school district of the city of Cleveland, Ohio, at a meeting held March 18, 1918, No. 7374, introduced by the president, Mr. M. L. Thomsen, indorsing universal military training.

Whereas there is a bill now pending before the Congress of the United States providing for universal military training and education for men between the ages of 19 and 21 years; and

Whereas one of the purposes of said bill is to improve the character of the young men of our Nation mentally, morally, and physically; and Whereas the passage of said bill in our opinion will materially aid and strengthen the resources of our national defense: Now therefore be it

*Resolved by the board of education of the city school district of the city of Cleveland*, That it is the judgment of said board that said bill now pending in Congress deserves the active support of the citizens of the United States, and that we favor its general purpose; be it further

*Resolved*, That a copy of this resolution be forwarded by the clerk of this board to the President of the United States, the Secretary of War, to the Senators for the State of Ohio, and to the Representatives in Congress of the twentieth, twenty-first, and twenty-second districts of the State of Ohio.

M. L. THOMSEN,

President Board of Education.

ROBT. I. CLEGG,

Vice President Board of Education.

F. E. SPAULDING,

Superintendent of Schools.

SARAH E. HYER,

Clerk Board of Education.

T. G. HOGAN,

Director of Schools.

Mr. THOMPSON. I present resolutions unanimously adopted at a meeting of the Kansas State Board of Agriculture, held at Topeka, Kans., March 20, indorsing the administration of the draft law with respect to deferred classification, and also as to the policy of fair-price regulation of wheat and other farm products. I ask that the resolutions be printed in the RECORD. They are short.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolution unanimously adopted at the quarterly meeting of the Kansas State Board of Agriculture, held at Topeka, Kans., March 20, 1918.

We, the members of the Kansas State Board of Agriculture, in quarterly meeting assembled, representing the farmers of the State of Kansas, do hereby declare our patriotic support to the Government of the United States in this time of stress, and do pledge to our country all the resources that we have.

We desire to express our approval and satisfaction with the present interpretation and administration of the draft law with respect to deferred classification.

We indorse the policy of fair-price regulation of wheat. But in order to maintain a just equilibrium as between other agricultural products and wheat, we feel that it is necessary to extend such regulation to all substitute products. We believe that a fair price on agricultural products should be determined by the cost of the factors entering into production.

We realize the necessity of encouraging the wheat grower to continue in the production of wheat, and suggest that corn and wheat at approximately the same price means a larger acreage of corn and a smaller acreage of wheat. Furthermore, it is practical to encourage greater production of wheat by the Federal Government paying a bonus for every acre of wheat as the administration may deem best, or reimbursing the grower who loses his entire crop, from agencies over which he has no control, to the extent of the cost of his seed.

We recommend that 1917 wheat and all other wheat produced previous to this time, that is not now at the command of the Food Administration, should be made available for consumption immediately.

Mr. STERLING. I present a resolution sent to me by the Methodist Episcopal Church Sunday School of Mitchell, S. Dak., relative to the prohibition of the use of foodstuffs, fuel, and so forth, in the manufacture of intoxicating liquors. I ask that it be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

#### Resolution.

The world is cold and hungry because of lack of sufficient fuel and food. Because of this fact the people of the United States are asked to deny themselves many things that have heretofore been considered necessities. At the same time millions of dollars worth of foodstuffs is being destroyed and thousands of tons of coal are being wasted in the manufacture and distribution of malt and brewed liquors. Now, therefore, be it

*Resolved by the Sunday School of the First Methodist Episcopal Church of Mitchell, S. Dak., this 24th day of February, 1918*, That the waste and destruction of fuel and food in the manufacture and distribution of malt and brewed liquors in this time of need are hereby condemned; and be it further

*Resolved*, That the beer drinkers of America be asked, in the name of patriotism, to deny themselves the harmful luxury of beer drinking; and be it further

*Resolved*, That we hereby earnestly request and urge our Senators and Representatives in Congress to do all in their power to secure the speedy enactment of a law that will assist these people in this very useful form of self-denial, and that will fully and effectually prohibit the waste and destruction of fuel and foodstuffs in the manufacture and distribution of malt and brewed liquors in the United States; and be it further

*Resolved*, That a copy of this resolution be sent to each of our Senators and Representatives in Congress.

LAURITZ MILLER,  
Chairman of Committee.

Mr. STERLING. I present a petition of certain citizens of Hot Springs, S. Dak., to the same effect, which I ask may be printed in the RECORD, omitting the names.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

*To the United States Senate:*

Believing that, to win the war, we must rid ourselves immediately of the whole intoxicating-liquor business, in order to conserve foodstuffs, fuel, transportation space, labor, and efficiency, we, citizens of the United States, do earnestly urge Congress to pass a war prohibition bill, to take effect immediately and continue through the duration of the war and for one year thereafter.

Mr. STERLING. I also present a resolution passed by the South Dakota Life Underwriters' Association, relative to universal military training. I ask that it may be printed in the RECORD without reading.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Resolution passed by the South Dakota Life Underwriters' Association at Sioux Falls, March 30, 1918.

*Resolved*, That we pledge our earnest and unqualified support to secure the enactment of Federal legislation providing that the millions of young men, descendants of all races and nationalities, annually arriving at military-training age, shall have at least six months' intensive physical and military training, coupled with such opportunity to learn our language and our ideals of government as is consistent with making the alert, broad-gauged, self-reliant, and red-blooded Americans which the country needs for its future progress and security, the training to begin as soon as the cantonments are conveniently available for that purpose.



Mr. JAMES. I present and ask to have printed in the RECORD resolutions adopted at a patriotic mass meeting of citizens of Henry County, Ky., held at the courthouse in New Castle on April 1, 1918.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

At a patriotic meeting of the citizens of Henry County, Ky., held at the courthouse in New Castle on April 1, 1918, it was unanimously—

*Resolved by said meeting,* That Congress should immediately pass laws whereby those persons who in any way interfere with the United States or any of its representatives or citizens in the preparation for war against the central powers of Europe, or in any way give aid and comfort, or attempt to give aid and comfort, to our enemies shall be adequately punished as traitors to the United States; it is further

*Resolved,* That this resolution shall be immediately forwarded to our Senators and Representatives in Congress.

JNO. A. CRABB, *Chairman.*  
S. J. DOUTHETT, *Secretary.*

Mr. JAMES. I also present resolutions of like character passed at a patriotic mass meeting of citizens held in Owensboro and Daviess County, Ky., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas our country is now engaged in a war in which her own liberty and the general welfare of all the nations are at stake; and Whereas our young men are offering their lives in a mighty struggle to stay the deluge of barbarism which threatens to engulf the world; and

Whereas the German method of waging war by insidious propaganda, espionage, murder, arson, and other subtle crimes is endangering the lives of our soldiers and citizens and jeopardizing the success of the cause; and

Whereas the inadequacy of our laws and the leniency of our courts in dealing with such crimes are creating a serious situation in which the frenzy of the mob may take the place of courts of justice: Therefore be it

*Resolved,* That we, the citizens of Owensboro and Daviess County, Ky., in mass meeting assembled, urge our Representatives in Congress to pass such legislation as will bring to speedy justice the traitors, spies, and propagandists whose activities constitute so serious a menace to our country.

JAMES H. RISLEY,  
LAVEGA CLEMENTS,  
LEE D. RAY,  
M. G. BUCKNER,  
S. R. EWING,  
*Committee.*

Mr. CUMMINS. I present a petition signed by a great many citizens of Iowa relating to the continued use of cereals in the manufacture of intoxicating liquors. I ask that the memorial itself be read at the desk, omitting the signatures.

There being no objection, the Secretary read as follows:

PULASKI, IOWA, March 20, 1918.

To our Congressman, respectfully submitted:

For the sake of more efficiency among the laboring people of our land, and for the sake of a better moral standard in our Army, encouraged by better environments, and as a further means of encouraging food conservation in our homes and eating places, and as a very urgent and even absolute necessity to win the war for democracy, we, the undersigned citizens of Davis County, Iowa, ask for immediate war prohibition by congressional enactment. "Food will win." Why, then, waste millions on millions of bushels of grain every year in the liquor traffic?

Mr. PHELAN presented petitions of the Alameda County Medical Society, of sundry citizens of Alameda County, and of the Santa Barbara County Medical Society, of Santa Barbara, all in the State of California, praying for advanced rank for officers of the Medical Corps of the Army, which were referred to the Committee on Military Affairs.

Mr. TOWNSEND presented a petition of the North Owosso Farmers' Club, of Owosso, Mich., and a petition of sundry citizens of Dundee, Mich., praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Detroit, Mich., remonstrating against the enactment of legislation for the protection and help of secret organizations, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the Clearing House Association, of Flint, Mich., favoring the enactment of legislation to prevent a congestion of the funds in the Treasury Department and a disturbance in the financial affairs of the country on the occasion of the payment of income taxes at one date, which were referred to the Committee on Finance.

He also presented resolutions adopted by the Clearing House Association, of Flint, Mich., favoring the payment of income taxes in installments, which were referred to the Committee on Finance.

He also presented resolutions adopted by Johnson Post, No. 78, Veterans of Foreign Wars, of Detroit, Mich., favoring the deportation of disloyal citizens, which were ordered to lie on the table.

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He also presented a petition of sundry rural mail carriers of Marcellus, Mich., praying for an increase in salaries of postal employees, which was ordered to lie on the table.

He also presented a petition of the Benzie County Medical Society, of Benzonia, Mich., praying for an advanced rank for officers of the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

WOMAN SUFFRAGE.

Mr. SHAFROTH. Mr. President, I have received a telegram, which I desire to read that it may go into the RECORD:

DENVER, COLO., March 31, 1918.

Hon. JOHN F. SHAFROTH,  
Senate Office Building, Washington, D. C.:

Democracy must be realized in deeds, not words. Twenty million women are waiting the action of the Senate for justice and freedom in our Nation. We regret the delay and believe that the immediate passage of the Federal suffrage amendment will speak for freedom throughout the world.

Mr. President, I wish to call the attention of the Senate to the fact that within the last two weeks a law that provides for the participation of women in the primaries of Texas was passed in the senate of the legislature of that State by a vote or nearly 3 to 1, and was passed in the house of representatives of that legislature by a vote of more than 2 to 1.

I want also to call the attention of the Senate to the fact that the Democratic national committee by a vote of 2 to 1 has indorsed the Senate joint resolution which is now pending before this body proposing a woman-suffrage constitutional amendment. I wish further to call the attention of the Senate to the fact that the Republican national committee has by an overwhelming majority passed a resolution indorsing this identical Senate joint resolution.

Mr. KING. Will the Senator yield?

Mr. SHAFROTH. I yield.

Mr. KING. Is there anything to prevent other States, if they desire woman suffrage, from pursuing the same course which Texas has pursued, or Colorado, or Utah, or any other States that have woman suffrage?

Mr. SHAFROTH. No.

Mr. KING. If this is a democracy, it is a democracy by reason of having local self-government through the instrumentality of the States, and there is not a State in the Union that may not have woman suffrage if the people within the State desire it.

Mr. SHAFROTH. There is no doubt about that right; but that right is founded upon the general principle that is enunciated in our Declaration of Independence, that the just powers of government are derived from the consent of the governed, and it is not only applicable to the government of a State but to the Government of the Nation. Unless each citizen of the Nation possesses the right to participate in its government, then there exists government without the consent of the governed. Consequently we can not have a democracy according to that principle unless we have that right recognized by the United States Government, so that the governed of the Nation can vote as to who shall govern in the United States through the President and through the Members of the Senate and House of Representatives.

Mr. JONES of Washington. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield?

Mr. SHAFROTH. It seems to me that, according to that principle, that right morally must exist and inhere in everyone governed by the Nation; and, that being the case, it is not just to deprive anyone of the right. I yield to the Senator from Washington.

Mr. JONES of Washington. I am in hearty accord with the sentiment expressed in the telegram which the Senator has read and with his statement, but I want to ask him, in reference to the Texas law to which he has referred, does it permit the women to vote at any election except at primary nominations?

Mr. SHAFROTH. No; I think not; and I want to call the attention of the Senate to the fact—

Mr. JONES of Washington. I just wanted the information.

Mr. SHAFROTH. I wish to call the attention of the Senate to the fact that the primary in Texas is practically the election in Texas.

Mr. JONES of Washington. I understand that.

Mr. SHAFROTH. That being the case—

Mr. JONES of Washington. That is practically so; but legally so, it is not.

Mr. SHAFROTH. No; but it is true that it gives them a voice in the determination of who shall control that State with almost as perfect certainty as if they also had the right to participate in the election itself.

Mr. President, I ask that this telegram be incorporated in the Record, and I call attention to the fact that it is signed by over 100 of the leading citizens of Denver, the first of whom is Dr. Margaret Long, daughter of an ex-Secretary of the Navy, of this Government.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

DENVER, COLO., March 31, 1918.

Hon. JOHN F. SHAFROTH,  
Senate Office Building, Washington, D. C.:

Democracy must be realized in deeds, not words. Twenty million women are waiting the action of the Senate for justice and freedom in our Nation. We regret the delay and believe that the immediate passage of the Federal suffrage amendment will speak for freedom throughout the world.

Margaret Long, Dora Phelps Buell, Mrs. T. P. Major, Mr. and Mrs. L. H. Wallace, Mr. and Mrs. J. W. Melrose, Rowland K. Goddard, Hon. Hugh Steel, Hon. Leon M. Hattenbach, Frost Craft Buchtel, Dr. and Mrs. R. K. Arndt, Mr. and Mrs. S. Osborn, Minnie Osborn, Margaret Hunter, Anna Hunter, Mrs. Ellen Marsh, Mrs. J. J. Bradley, Mrs. M. M. Ketner, Sara P. Keger, Mr. and Mrs. C. T. Linton, Ray R. Laerolx, Norma Dickinson, Madeline Baker, Tildon Watson, Mae Tibbits, Mr. and Mrs. W. A. Barnett, Mr. and Mrs. Frank Millard, Mrs. Ollie Oakes, Hazel Bennett, Ann Templeton, Iva Dunklee, Mrs. Ray David, Kate Brown, Mary Anderson, Lorena Geer, Mary Schoepflin, Gussie Oakes, Dora M. Moore, Mr. and Mrs. Donald Graham, Isabella Stewart, May B. Kruse, Mrs. A. N. Mitchem, Katherine C. Waters, Harriette Dunklee, Emily A. Hayward, Mildred Taube, Mrs. Ralph Barney, Julia Burke, Mrs. C. N. Bills, Mr. and Mrs. Frederick Quackenbush, Elizabeth S. Bradford, Mary A. Carruthers, Norma Cummings, Mr. and Mrs. William Thomas, Mrs. Cinda Dillon, Antoinette Hawley, Ida Taylor, Cora Streeter, Mrs. S. M. Caspar, Garnet I. Pelton, D. C. Burns, Jessie Parks, Belle Shields, Martha E. Walton, Ida Kruse McFarlane, Frederick McFarlane, Carlotta Kruse, W. K. Harris, Clara K. Rogers, Hazel Dicer, Grace Matthews, Cora B. Morrison, Halcyon Morrison, May Hill, Madel Haynes, Annie Johnson, Lillian Morse, Clara Williams, Francis Buchanan, Margaret Beeler, Rose Jamieson, Emma D. Pronger, Lydia Russell, Lillian Pollock, Ella H. Griffith, Frona Abbott, Pearl Wheeler Dorr, Mr. and Mrs. N. O. Pierce, Mary Tower Bigelow, C. W. Bigelow.

#### PRICE OF WHEAT.

Mr. McCUMBER. Mr. President, I have a telegram in the form of a petition, the text of which I ask may be read, and then I desire the attention of the Senator from Oklahoma [Mr. GORE] concerning it.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read the telegram, as follows:

WEST HOPE, N. DAK., April 10, 1918.

Hon. P. J. McCUMBER,  
Washington, D. C.:

We are busy sowing wheat, and want you to stick for the Gore amendment on the price of wheat. We think flour substitute should be relieved; considerably too high.

J. F. Lamb, Pat Canavan, R. C. Bellew, F. G. McCann, Olum Haugen, A. N. Baumann, J. H. Lattimer, W. J. Treynold, A. Deschamp, Casper Jensen, Elmer Trimble, James Acheyon, Deschjrbe Gebhard, Ed Evoy, William Kratt, Axel Houmann, Dave Kyle, B. D. Goss, A. K. Wooden, Anton Nesting, G. H. Burns, Robert S. Harvey, Henry Kleinert, J. P. Flynn, A. S. Durnin, J. M. Schroeder, John McPhee, G. B. Fletcher, Ross Trimble, H. Hawkes, John Bryce.

Mr. McCUMBER. Mr. President, I have been speaking for the \$2.50 wheat, supporting it by voice and by vote. The bill passed the Senate some time ago. The Senate amendment was not agreed to by the House. It has been before the committee of conference for several weeks. I desire to ask the Senator from Oklahoma whether there is any prospect of coming to an understanding in the committee of conference. I wish the Senator to understand that the farmers of the Northwest have a suspicion that the matter is being held in abeyance until the seeding is all done, so that the excuse may be made that the extra price accorded by this amendment would not produce a greater acreage, and therefore would not be necessary; and that argument would be made before the House and before the Senate. I hope that we will get some speedy action on the part of the conference committee.

Mr. GORE. Mr. President, I wish to say that I appreciate the force of the point made by the Senator from North Dakota. If this amendment were permitted to lie at anchor for any considerable period, the argument would then be made that seeding time had passed. That would be used as an argument to prevail upon the other House to insist upon its disagreement and perhaps to prevail upon this body to recede from its amendment.

I do not think the seeding time is the only point involved, because it is a matter of justice even if the seeding time had passed, and for my part I shall not relax my insistence upon its enactment into law. I will say to the Senator, however,

that I hope to bring in the conference report on the Agricultural appropriation bill this afternoon. The chairman of the Committee on Agriculture in the other branch of Congress gave assurances to that body that he would bring that amendment back from the conference for a separate vote. There were a number of amendments in conference. Some of them have required protracted consideration. The Senate conferees, however, this morning decided, perhaps I might say, to make a sacrifice hit in order to bring in the report now, to obviate any further delay. It is my hope to bring in an agreement on every other amendment this afternoon except the Gore wheat amendment. I shall then ask the Senate to-day to consider and agree to the conference report and insist upon the wheat amendment, in order that it may go to the House for immediate action.

Mr. McCUMBER. I thank the Senator, and I sincerely hope that will be done.

#### PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. TOWNSEND. Mr. President, yesterday I reported a bill (S. 3808; No. 386) which had been submitted to a subcommittee of the Committee on Post Offices and Post Roads. I desire to call it to the attention of the Senator from Texas [Mr. SHEPARD]. I yesterday afternoon reported from the subcommittee of the Committee on Post Offices and Post Roads a bill, known commonly as the "bone-dry bill," for the District of Columbia. I was not present when I was made a member of that subcommittee, but I inquired of my colleague if we as a subcommittee had a right to report that bill. I was told that we did have. I am now informed that it was our province simply to report the bill to the full committee, as is the usual custom, and that we had no authority to make such a report to the Senate.

I therefore ask that that report be withdrawn and the matter referred to the Committee on Post Offices and Post Roads.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### REPORTS OF COMMITTEE ON CLAIMS.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 530) for the relief of James Gillilan, submitted an adverse report (No. 393) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 924) for the relief of Delilah Siebenaler, reported it without amendment and submitted a report (No. 392) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 57) for the relief of Kate Canniff (Rept. No. 389);

A bill (S. 463) for the relief of the heirs of Joshua Nicholls (Rept. No. 391); and

A bill (S. 1804) for the relief of George T. Hamilton (Rept. No. 390).

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TILLMAN:

A bill (S. 4341) for the relief of warrant officers and enlisted men of the Navy and Marine Corps who accept commissions in the Naval Reserve Force or Marine Corps Reserve; to the Committee on Naval Affairs.

By Mr. JOHNSON of California:

A bill (S. 4342) to provide compensation for maritime workers of the United States suffering injuries while in the service of merchant vessels of the United States, their owners, or charterers, and for the dependents of such maritime workers in case of death, and for other purposes; to the Committee on Commerce.

By Mr. McKELLAR:

A bill (S. 4343) granting a pension to L. F. Pampe (with accompanying papers);

A bill (S. 4344) granting a pension to Albert M. Griffith (with accompanying papers); and

A bill (S. 4345) granting a pension to James Besheers (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 4346) granting an increase of pension to Lucy M. Capron;

A bill (S. 4347) granting a pension to Mary A. Hillman;

A bill (S. 4348) granting an increase of pension to David Krant;

A bill (S. 4349) granting an increase of pension to Elizabeth Leher;

A bill (S. 4350) granting a pension to Amy B. Mitchell;

A bill (S. 4351) granting an increase of pension to Feracane Paola;



A bill (S. 4352) granting an increase of pension to Samuel W. Scoggins; and

A bill (S. 4353) granting an increase of pension to Henry Stone; to the Committee on Pensions.

A bill (S. 4354) for the relief of William J. Perkins and Sarah Alice Perkins, parents of George Herman Perkins, deceased, late fireman, third class, United States Navy; and

A bill (S. 4355) for the relief of Sarah E. Straughn; to the Committee on Claims.

By Mr. SHIELDS:

A bill (S. 4356) granting a pension to John K. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 4357) granting a pension to Louisa M. Ferrier, now Wright (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 4358) granting a pension to Louis N. Mallet (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 4359) to provide further for the national security and common defense by providing for the acquisition by eminent domain of property and rights necessary for the improvement and increase of facilities for the development, transmission, distribution, and supplying of electric energy; to the Committee on the Judiciary.

#### COST OF FARM IMPLEMENTS, ETC.

Mr. THOMPSON. I submit a resolution directing the Federal Trade Commission to make an investigation and report relative to the high cost of farm implements and other articles required to be purchased and used by the farmers on the farm. I ask that the resolution be read and lie over.

The resolution (S. Res. 223) was read and ordered to lie over, as follows:

*Resolved*, That the Federal Trade Commission be, and it is hereby, directed under the authority of the act entitled "An act to create a Federal Trade Commission, to define its purposes and duties, and for other purposes," approved September 26, 1914, to investigate and report to the Senate the cause or causes for the high prices of the articles hereinafter mentioned required to be bought and used by the farmers of the country on the farms, and to investigate and report the facts relative to the existence of any unfair methods of trade or competition, and relative to any and all violations of the antitrust laws of the United States by manufacturers and dealers in any of the articles hereinafter mentioned in respect to any act, combination, agreement, or conspiracy to restrict, depress, or control the prices thereof, and whether such manufacturers or dealers have committed any acts, agreements, combinations, or conspiracies tending to a restraint of trade in the manufacture, production, or supply of any of the articles enumerated as follows, to wit:

Agricultural implements, including plows, listers, harrows, headers, harvesters, reapers, mowers, drills and planters, horse rakes, cultivators, thrashing machinery, wagons, buggies, carts; utensils and machinery and equipment required for the production of food, foodstuffs, grains, fuel, fuel oil, natural gas, hides, leather, cotton, and wool.

Bags, bagging, gunny cloth, and grain sacks.  
Cream separators, churns, and internal-combustion engines.  
Brooms and articles of household utility of tin, wood, or other material.

Necessary wearing apparel, including gloves, jumpers, overalls, shoes, and shirts.

Leather products, including harness, halters, saddles, and buggy whips.

Tools and hardware, including axes, hatchets, nails, staples, padlocks, pitchforks, hoes, shovels, picks, corn knives, grindstones, wheelbarrows, and saws.

Axle grease, lubricating oils, fertilizers, salt for stock, and oil cake. Lumber, shingles, barrels, rope (hemp), binding twine, barb wire, galvanized wire, steel wire and wire fencing, and farm labor.

And that the Federal Trade Commission report whether, under the facts found, the farmers are required to pay an unreasonable price for the things they are required to purchase and use on the farms in the production of food products, and whether they are thereby prevented from making a fair profit for their labor and money expended toward production.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the 11th instant, approved and signed the act (S. 3994) to amend an act entitled "An act to authorize condemnation proceedings of lands for military purposes," approved July 2, 1917, and for other purposes.

#### STATEMENT BY SAMUEL GOMPERS.

Mr. SHERMAN. Mr. President, I present a statement, which was published in the Washington Star of April 11, 1918, by Samuel Gompers in view of the matter before the Senate yesterday and the conference report. I think it is worthy of attention, as the interview is in reference to the vote taken in the Senate on the proposal contained in section 3 of the conference report, and which was acted on. I ask that the portion indicated between marks be read by the Secretary.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested,

The Secretary read as follows:

"There is now going on in the Halls of Congress a discussion on the proposal for legislation making participation in a strike an offense heavily punishable," Mr. Gompers said. "You may make the stoppage of work unlawful, but you can not thus prevent it; instead you will only make men lawbreakers as well as strikers. I warn Congress not to commit the delirium and the folly of enacting such a law."

Mr. SHERMAN. That is all of the statement I care to have read. I wish to present further, Mr. President, on the issue joined in the statement and the action of the Senate yesterday, a finding on reports made by the National Industrial Conference Board, and if the Senate will permit, instead of asking the Secretary to read this I should like permission to read it myself.

The PRESIDENT pro tempore. The Senator from Illinois will proceed.

Mr. SHERMAN. I read from page 5 of this report, in contradistinction to the statement which has just been read by the Secretary of the Senate, that there has been no serious interruption of the industrial program of this country.

The serious aspect of the 1,156 strikes included in this report is clearly seen from the fact that the number of employees made idle was 283,402, the number of days of production lost was 6,285,519.

The magnitude of the production lost in even this incomplete list of strikes would at any time be serious. In war time, when every day of production of essential materials has definite influence on the war situation, it is little short of appalling.

To visualize better the magnitude of the waste it may be pointed out that it would require the labor of 251,400 persons for a whole month to make up for the reported loss of production, or that a manufacturing plant employing 1,000 workers would have to operate for about 21 years of 200 workdays each in order to offset the time thus lost.

The high average amount of time lost in the strikes here included, amounting to 22.2 days per worker, may be accounted for by the fact that while many of the smaller strikes were adjusted in less than a week, some within 24 hours, many of those in which large numbers of workers participated were long drawn out. Since most of the major strikes occurring during the period are included, while many small ones are not, this tends somewhat to raise the average.

The statistical data in this report are summarized in four tables, in which the number of establishments, the general basis of settlement, the number of employees made idle, and the number of workdays lost are listed according to—

1. Industries.
2. Demands.
3. Proportion of union strikers.
4. Means of settlement.

In computing the number of workdays lost, which is perhaps the most important factor, and the one that indicates clearly the seriousness of the strikes, all Sundays and holidays were excluded, except in a small number of cases where it was stated that it was usual to work on those days. Where two or three shifts were worked, each shift was counted as a workday. Time lost after April 6, 1917, on strikes started before that day was excluded; also, all time lost after October 5, 1917.

Mr. HOLLIS. Mr. President, can the Senator from Illinois inform the Senate who are the members of that commission?

Mr. SHERMAN. The chairman of the conference board is Mr. Frederick P. Fish, the managing director is Magnus W. Alexander, and the membership is composed of employers—the American Cotton Manufacturers' Association, the American Hardware Manufacturers' Association, the National Metal Trades' Association, and a number of others. They are employers of labor.

Mr. HOLLIS. Mr. President, since the distinguished Senator from Illinois has raised this question, I may be excused if I state what I did not state day before yesterday, and that is, that the American Federation of Labor is stoutly opposed to any legislation which will prevent peaceful strikes. The Senator from Washington stated that he doubted whether the American Federation of Labor was officially opposed to the passage of the so-called sabotage act without the inclusion of section 3. At that time I had had no communication with any of the officials of the American Federation of Labor, and so I allowed the statement to pass. Yesterday afternoon, however, after the conference report had been rejected, Mr. Gompers called me up and told me very earnestly that the American Federation of Labor is opposed to the passage of the bill unless section 3 is included in it. Mr. Gompers called my attention to the fact that it is all very well to ask him to keep labor loyal and at work; he has done that, and he has been complimented on the floor of the Senate by many Senators who were opposed to section 3 of the bill as contained in the conference report on yesterday; but Senators can easily see that if Mr. Gompers can not prevent legislation of that kind he will very soon lose the very salutary influence that he has over labor, organized and unorganized.

It has been my fear all winter and all the spring that the Senate would take some such action as was taken yesterday; that is, adopt some law that might be construed by a court somewhere to prevent peaceful strikes. If we could prevent strikes by legislation, if we could make labor more efficient by statute, that would be a very easy solution of the problem; but the only thing that laboring men have with which to improve their condition is their refusal to work and their ability to unite for that purpose, for it is easy for anyone to see that the single



laborer has no power against aggregated capital. It is only when labor has the same right to organize to enforce its views that it can stand up against capital. The experience of the labor movement has been that when labor is weak capital will refuse to arbitrate; when labor is strong, labor will refuse to arbitrate. That is so wherever the labor movement has been developed to an advanced stage.

I think it is conceded—I know that my friend from Illinois has expressed himself quite unfavorably to Mr. Gompers in the past—and I think the Senator himself must admit that Mr. Gompers has tried patriotically and earnestly to keep labor at work for the benefit of war activities.

I merely wanted to make this little statement to show the attitude of Mr. Gompers toward legislation of this kind, not with any idea of stirring up the old trouble, because I believe that the vote on yesterday is probably a fair test of the attitude of the Senate on the question of preventing strikes.

Mr. KNOX. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Pennsylvania?

Mr. HOLLIS. I yield to the Senator.

Mr. KNOX. I should like to make an inquiry of the Senator before he takes his seat, and it is inspired by my confidence in the clarity of the Senator's judgment as a lawyer. I understand the Senator to state that Mr. Gompers's objection was that this legislation should not be passed without section 3 being included; that I understood; but what I should like to know is the Senator's opinion. Does he think that the bill without section 3 would penalize a peaceful strike?

Mr. HOLLIS. I do.

Mr. KNOX. That is contrary to the impression that I myself received from reading the bill, and I am very glad to know what the Senator's position is.

Mr. HOLLIS. Mr. President, it is not a matter of snapshot judgment with me, for there has been no question in which I have been so deeply interested for the past 20 years as that of organized labor and its proper advancement. I have never advocated or encouraged the use of force in connection with strikes. I think that is a mistake from every standpoint. In the first place, it leads to lawlessness; and, in the second place, it defeats the object of those who are on strike. Strikes can not be successful unless they are heartily backed by public opinion; and as soon as there is anything lawless about a strike, the better element, which controls public opinion, will make the strike unsuccessful. That is recognized by Mr. Gompers and other leading labor men just as well as it is recognized by me.

Any bill which makes it an offense for men to agree together or to conspire to obstruct or hinder the manufacture of any article will be sure to be construed by some judge who has to pass upon it to include an agreement to quit work in that occupation. There are many cases in the reports where statutes of that kind have been so construed.

As the distinguished Senator well knows, the matter first arose in the construction of the Sherman Antitrust Act. It was not understood by those who passed that law that it would prevent the ordinary peaceful strike, but it was so construed. I myself think it was a wrong construction; but that construction will undoubtedly be followed by similar constructions in the case of other statutes.

A year ago I expressed myself on this question in connection with the bill to permit priority of shipments on railroads. The same question was then up and debated. Good lawyers, honest men, sincere citizens actually believed that the bill as drawn could not be construed to prevent peaceful strikes. The distinguished Senator from Iowa [Mr. CUMMINS] agreed with me that the bill could be so construed, and probably would be, and he cooperated with me to get a section placed in the bill that would allow peaceful strikes. That amendment was placed in the bill with the concurrence of the Senate, was retained by the House, and is in the law to-day.

The same question arose a year ago under the food-control bill. At that time I offered an amendment substantially like section 3 of the sabotage bill, and that amendment was adopted by the Senate. It went out in conference; but I was assured by the members of the conference committee that if they had understood the importance of it it would not have gone out. I was afterwards asked to introduce a bill proposing to amend the food-control law to accomplish the desired object; but I really felt then, as I feel now, that a majority of the Senate actually believe it is better to prohibit peaceful strikes by legislation. I think that is their attitude. I regret it exceedingly, but that is why I did not continue the fight yesterday. I think we got a fair expression of the views of the Senate on the subject of preventing peaceful strikes.

I thank the Senator from Pennsylvania for his very kind attitude toward me, and I shall be glad to answer in the same spirit any question that he cares to submit.

Mr. KNOX. Mr. President, there is no real difference between the views expressed by the Senator from New Hampshire [Mr. HOLLIS] and my own in regard to the right of workmen to protect themselves by peaceful strikes. I had occasion 21 years ago, while I was still in private life practicing law, happening at that time to be the president of the Pennsylvania Bar Association, to express views upon that subject in an address, from which views I have not deviated. I have always been of the opinion that from the time when, owing to the necessities of modern complex civilization, the law permitted the aggregation of capital for the transaction of business and for the furtherance of the interests of capital, the combination of labor for its own protection became a logical necessity.

In the discussion the other day, in which I took no part except to ask a question, I was more interested in what I considered the absolute lack of necessity for the inclusion of section 3 in the bill. While I am perfectly certain that the Senator from New Hampshire is correct in his statement that there may be judges who entertain certain curious and peculiar notions about the relations of capital and labor to each other, and about the relations of capital and labor to society, who might put some forced or unnatural construction upon this or any other statute; yet for myself I feel that in legislating or in giving my vote to any proposed scheme of legislation I am to act upon my own judgment as to the natural and normal meaning of words; and for the life of me, Mr. President, I can not see how this statute as proposed without section 3 could be held to apply to a peaceful strike. I predicate that opinion upon language which is so explicit that it seems to me to be beyond the possibility of conjecture.

In order for one to be penalized—and remember that this statute is not a statute applicable to laboring men alone; it is applicable to all men; it is as applicable to the manufacturer who throws his material into the river to prevent it reaching the Government which needs it as it is to the laborer who might light a fuse to explode a bomb which would destroy a plant or in any other way interfere with the operations of a plant—this measure says:

SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or \* \* \* interfere with, or obstruct the United States or any associate nation—

Shall be subject to a certain penalty.

Mr. President, it seems to me that there are several things that have to be conjoined to make out an offense under this measure. The man charged with violating the provisions of the statute must have reason to believe, in the first place, that his act, whatever that act may be, whether it be the stoppage of work, the destruction of property, or the destruction of the means of carrying on enterprises which are essential to the United States, will interfere with the United States; and, further, he shall then after having had reason to believe the necessary consequence of his act to be interference with the United States with that belief in his mind, he shall willfully injure or destroy property, and that injury or destruction which must be willful upon his part, must be intended to injure, interfere with, or obstruct the United States in the prosecution of the war.

This matter has been discussed here for the last few days. Coming, as I do, from a State employing vast numbers of workmen; coming from a city where union labor is very general, and having an intimate and close personal knowledge of many of the leaders of union labor, I am glad to say that I have not received the slightest intimation from any constituent of mine that he wanted any provision written into that bill that would implicitly permit him to do any of these things. I know of no man engaged in any of the activities of life which are commonly denominated labor who claims the privilege, with knowledge that a specific act will interfere with the United States, willfully to proceed to interfere with the United States by the destruction of property with the intent of obstructing the prosecution of this war.

My position, Mr. President, is that there is no necessity for this section under a proper construction of the bill; but if I thought, as the Senator from New Hampshire evidently thinks, that this bill was intended to or could by any legitimate construction interfere with a proper effort upon the part of labor through peaceful strikes to redress grievances or to insure proper conditions of employment, I would be opposed to it as now proposed and in this form.



Mr. STERLING. Mr. President, will the Senator from Pennsylvania permit a question before he takes his seat?

Mr. KNOX. Certainly.

Mr. STERLING. Mr. Gompers is quoted as saying:

There is now going on in the Halls of Congress a discussion of the proposal for legislation making participation in a strike an offense heavily punishable.

I should like to ask the Senator if the language used in this bill in defining and describing the offenses provided for thereunder does not negative the idea of participation in a peaceful strike being punishable?

Mr. KNOX. That question is necessarily answered by the interpretation that I have placed upon the statute, and, of course, its answer depends upon the interpretation that the individual making the answer places upon the statute.

Mr. CUMMINS obtained the floor.

Mr. HOLLIS. Mr. President, will the Senator yield for a moment? I want to make a very brief reply to the distinguished Senator from Pennsylvania.

Mr. CUMMINS. Would the Senator prefer to make it now?

Mr. HOLLIS. It will take but a moment.

Mr. CUMMINS. I will yield to the Senator from New Hampshire if he thinks it better to make it now than a moment later.

Mr. HOLLIS. Oh, did the Senator from Iowa wish to address himself to what the Senator from Pennsylvania has said?

Mr. CUMMINS. Precisely.

Mr. HOLLIS. I beg the Senator's pardon. I thought he wanted to speak on another subject.

Mr. CUMMINS. Mr. President, I hope the Senate will indulge me just a moment, for I have been very deeply interested in legislation of this character in times past, and I have consistently and earnestly opposed any enactment that would take away from the laboring men of the country the right to strike peacefully. I have understood the term "strike" to mean the cessation of employment or work in a body, or by concert. I am still as earnestly in favor of the right to strike peacefully in normal times as I ever was, because the strike is the only instrument which labor has in its struggle with capital or with employers. There is but one alternative if we deprive the laboring man of the right to strike. That alternative is the settlement, final and conclusive, by the Government of the dispute.

I have believed that in peaceful times it was far better to permit the strike than to assume this additional function upon the part of the Government. I believe, however, that in this time, when the energies of all the people of the United States are imperatively demanded in order to carry on successfully the war in which we are engaged, we must give up for the time being the right to strike; but I am not in favor of surrendering that right through legislation unless something else is substituted for it. If I had had the opportunity which I thought I would have yesterday morning to express my views upon the conference report, I would have stated that in my judgment it is the duty of the conference committee to take these amendments which were proposed to our bill in the House of Representatives and convert them into a statute which will provide a Government tribunal composed of impartial and high-minded men, who will take every dispute of this kind relating to wages and to conditions of labor and will determine the dispute, and that pending the war that determination shall be binding upon both employer and employee, and that so long as we are at war there shall be no concerted cessation of work.

Mr. BORAH. Mr. President—

Mr. CUMMINS. I will yield to the Senator from Idaho in just a moment. When peace comes again, and with it those principles of social and industrial life which I have always felt to be sound and which I have advocated, I want to resume again the full liberty on the part of labor to agree to quit work whenever labor sees fit to quit work, always assuming that there is no interference with the right of any other person to work and no violation of the peace laws of the country, whether of the State or of the Nation.

I now yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I infer from the Senator's argument that he is of the opinion that this measure without section 3 would prevent peaceful strikes.

Mr. CUMMINS. I am constrained to differ from the Senator from Pennsylvania with regard to the matter. I think that under the decisions—of which there have been many—the latter part of section 3 can be construed, and will be construed, to make it unlawful for laboring men to agree with each other to quit work in concert.

Mr. KNOX. I beg the Senator's pardon; he said "the latter part of section 3."

Mr. CUMMINS. The latter part of section 2. I have not the bill before me, but it is the part which the Senator from Penn-

sylvania did not read. He read the first part, but he did not read the latter part.

Mr. KNOX. I shall be very glad if the Senator from Iowa will read anything that bears upon any matter to which I have referred.

Mr. CUMMINS. I will read the part which is in my mind. After the quotation made by the Senator from Pennsylvania, so far as I heard it, section 2 then proceeds:

Or, whoever—

Now, this is a distinct offense—

Or, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than 30 years, or both.

It may be that the Senator from Pennsylvania read that paragraph, but if he did, I did not catch it. Now, it is my judgment, answering the Senator from Idaho, that if, as I said the other day, a number of men engaged in any factory turning out useful war materials should agree with each other that they would refuse to longer work in their accustomed way, for the purpose of coercing—and that is the purpose of a strike—their employer to pay them higher wages or give them better conditions under which to work, that would be a violation of that part of the section.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. CUMMINS. Yes.

Mr. BORAH. It is possible that that construction might be placed upon it, but I had not believed that the law without section 3 would prevent a peaceful strike. I would want to give some time to a measure before I should vote for a law which would prevent a peaceful strike, for two reasons: One as a matter of policy and the other on the question of our power to pass that kind of a law. It did not occur to me—although I was not here, and was not privileged to vote on it at all—that this law would have that effect, and I do not think it would. It seems to me that the law without section 3 would not prevent peaceful strikes.

Mr. CUMMINS. There may very well be differences of opinion about it. There have been differences of opinion among judges respecting language which is somewhat akin to this. But I do not find it difficult to reach the conclusion that judges may construe that language to prevent a peaceful strike, and I do not think a peaceful strike should be forbidden and made criminal unless the United States furnishes some other way in which to settle the dispute between the employer and the employee; and I suggested to the Senator in charge of the bill so far as the Senate is concerned that I hoped the conference committee would prepare and present, in lieu of these amendments, legislation of that character.

Mr. HOLLIS. Mr. President, I am exceedingly gratified that the distinguished Senator from Pennsylvania [Mr. Knox] has made the statement that he has made this morning. It does him very much more credit, after his experience and his distinguished service to the country, to express those views than it possibly could do me. It does any man credit to express those views who is not likely to be called a socialist.

The Senator, if he were a court sitting upon the construction of section 2, would undoubtedly rule in accordance with the opinion he has expressed; but if I were the counsel prosecuting men out on strike, I could make a very strong argument in favor of conviction under the latter part of the section to which the Senator from Iowa has called attention, and which I supposed was under consideration day before yesterday. The latter part of the section does not require a willful intent to injure or destroy. It merely requires that the person out on strike shall, with intent—not willful intent, but with full knowledge of the facts—to interfere with the United States or an associate nation in preparing for or carrying on the war or conspire—that is, agree with some one else—to prevent the erection or production of war premises, war material, or war utilities.

In my judgment there can be no doubt that any fair court would hold that if I, a workman in such a plant, should agree with my neighbor workman that we would withdraw our labor in the hope of getting higher wages, we would be liable, because there would be a conspiracy, there would be an agreement between two persons, to do what? To cease work. And why cease work? In order to put pressure on the managers of the factory to give us higher wages; and the only way you can put pressure on the managers of the factories to get higher wages is to prevent their producing their materials in the quantities desired.

If Senators voted yesterday morning against the conference report, believing that the only offense described in section 2 was the willful injury or destruction of factories or materials,

then the Senate ought to recall that vote and vote again. I hope that the managers of the conference on the part of the Senate will bear in mind the discussion to-day, and give us another opportunity to vote on this very important matter.

Mr. HARDWICK. Mr. President—

Mr. HOLLIS. I yield to the Senator from Georgia.

Mr. HARDWICK. Had the Senator about concluded?

Mr. HOLLIS. I shall be through in a moment.

Mr. HARDWICK. Let me make this suggestion: We are waiting to pass legislation that will make it possible for 123,000 alien soldiers to be naturalized, so that they can be sent out of the country. The legislation has been already long delayed, and I hope no general debate on the labor question will be pursued so that we can not take up this legislation. The departments are urging it.

Mr. HOLLIS. I hope the Senator will indulge me for a moment.

Mr. HARDWICK. Yes; I did not mean to interfere with the Senator's observations.

Mr. HOLLIS. I agree pretty nearly with the Senator from Iowa [Mr. CUMMINS]. I think that we might well do in this country, if it is necessary, what has been done in England, where the English Government has taken under its entire control munition factories and has prohibited strikes, and at the same time has limited profits. That is, it has fixed a profit of one and one-fifth times the standard profit. The standard profit was the profit existing in that industry during the two years prior to the breaking out of the war. The profits are limited, the men are prohibited from striking, and the employers are prohibited from discharging the men.

I had hoped that at some time we would have before the Senate a well-rounded, inclusive proposition which would handle the subject from the public standpoint in every relation. If that is done, we may get something; but I wish to say further, and then I am through, that that is not necessary, because under this distinguished commission, with Mr. Taft and other friends of the conservative view at its head, there now exists a voluntary agreement between labor and capital which is already in operation, and which will make legislation on the part of Congress unnecessary, I believe.

Mr. KING. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. HOLLIS. I yield.

Mr. KING. There is one observation that the Senator from New Hampshire has just made which may be misconstrued—namely, that Great Britain has taken over the control of the munition plants. The Senator meant, of course—at least I think he meant—that Great Britain merely exercises supervisory care in their work; but it does not operate the plants—

Mr. HOLLIS. No.

Mr. KING. Or determine who shall work—

Mr. HOLLIS. No.

Mr. KING. Or fix wages, or anything of that kind.

Mr. HOLLIS. It does. It takes control of the plants, fixes the profits, fixes the conditions of labor, prohibits strikes, and prohibits the discharge of the men.

Mr. KING. But it does not take the plants out of the control of the individual owners of the plants.

Mr. HOLLIS. Not beyond the extent I have indicated.

Mr. JONES of Washington and Mr. SHERMAN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Washington?

Mr. HOLLIS. I do.

Mr. JONES of Washington. The Senator stated a while ago that he took the vote on the conference report yesterday to express a desire on the part of the Senate to prevent peaceful strikes. Now, I should just like to say to the Senator that that is not true as to my vote. I voted against the conference report simply because I was satisfied in my own mind that it did not prevent peaceful strikes. I would not vote for a proposition that would prevent peaceful strikes. At any rate, I would not vote for it until, as the Senator from Iowa suggested, full provision was made to cover a situation of that character. I think I am almost in perfect accord with the views of the Senator from New Hampshire. I will say that if there is a reasonable doubt about this provision permitting peaceful strikes, I would vote to reconsider, contrary to my vote yesterday.

Mr. HOLLIS. Let me ask the Senator, if there is any doubt, why not make it clear and make it unmistakable?

Mr. JONES of Washington. That is what I say. If there should be any doubt about it in my mind, and if any doubt should be created by discussion, I would vote to make it clear.

Mr. HOLLIS. The House by a majority vote expressed a doubt when they adopted section 3, and what clearer proof could

there be that there is a substantial doubt on this very question? I am glad to know the Senator's view.

Mr. SHERMAN, Mr. KIRBY, and others addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield; and if so, to whom?

Mr. HOLLIS. The Senator from Illinois first addressed the Chair, and I yield to him.

Mr. SHERMAN. I do not intend to take the time of the Senate now in discussing this question. I will do that at the proper time; but I want to ask the Senator if the issue joined by the statement, assuming that the report is true made by Mr. Gompers, does not neutralize, or tend to neutralize, his former patriotic effort? Loyal is as loyal does. Whatever his view may be to subordinate the American Federation of Labor to any local union, it is, as I take it, a direct indication that in the event the bill should mature into a law without section 3, he expresses his opinion that in the case of two workmen acting in combination, the law can not be enforced even if it is made.

Mr. HOLLIS. I understand it is not a threat but a prophecy, and in that prophecy I join with Mr. Gompers. I do not believe that a law to prohibit peaceful strikes in this country can be enforced, and when I say that I do not express any opinion as to whether I think it ought to be. I doubt the physical possibility of enforcing such a law, and I think that Mr. Gompers intended to express his opinion on that subject. He may be wrong, and I may be wrong, but I think we all agree that if there is any doubt about it it ought not to be tried out at this time except under the spur of the most dire necessity.

Mr. SHERMAN. Mr. President, in the utmost good faith, impressed with a deep sense of the issue we face, I can say that the waste in six months which I think was accurately shown in the report that was read can not be met by the American people in organized Government and compete with our enemies in the field of battle. Whatever Mr. Gompers may think, whether his prophecy is a threat or a prediction, I shall not stop to inquire at this time. I trust it is a mere prophecy. I wish to think that Mr. Gompers is sincerely loyal, and I do think so, together with Mr. Morrison and others of the American Federation of Labor. I have read their statements, I think, in the same spirit, and I am taking it for granted that they are as sincerely loyal as anybody in this country. It is with that in view that I read with a great sense of disappointment the statement of Mr. Gompers, which to me is not in keeping with his former declaration. I regret that such a statement is made, and I took early occasion, as I did in the Senate, to bring the attention of the public to the statement, in order that those who are charged in the conference committee with the settlement of this omission or inclusion of section 3, as the case may be, may have the benefit of whatever may be developed by a discussion of this kind.

I do not question Mr. Gompers's good faith. We have had our differences in the western country and have fought them out in various tribunals. I will not renew that at this time. I am ready to meet it at proper occasion; but I am taking Mr. Gompers's efforts as loyal as those of the Senator from New Hampshire or mine, and that he will in all proper ways help strengthen the Government in its effort to overcome the public enemy.

As to the losses, however, that are shown by this report, equal to a factory employing a thousand men for 21 years, 300 days in the year, not even the magnificent industrial resources of the American people can stand a loss of that kind any more than we can stand dumping steel billets or armor plate into the Atlantic Ocean and say we can keep up our resources indefinitely with a waste of that kind. Man power is just as important industrially as it is in a military sense. I trust that Mr. Gompers and his associates and all who are to handle the question in detail of the 3,000,000 members of the American Federation of Labor will take the view finally that the law of this Republic, whatever it may be, will be the law that will in good faith be essential to be obeyed, and that he will advise those under his jurisdiction to obey it to the end that such industrial waste may cease.

We should utilize our resources in a better way than we are utilizing them now, both in men and material. I have no reference now to the management by Government authorities; I am not to be understood at all as making any criticism; but if we do not avail ourselves of our resources in an organized way and in a more frugal method we can not be successful in this struggle. It is an economic war as well as a military one. The wasting of the economic resources, either in day's work or material or loss of opportunity to prepare war material, is just as vital to us as preparing men by drill in an encampment and sending them to the point of action. All the Military Committee and this Senate can do, all that Congress can do, will



come to naught unless these same men when sent into the field of battle are backed by the resources up to as near 100 per cent as human government can produce. It is because of that that I have felt a deep sense of disappointment that Mr. Gompers saw fit to deliver himself of this utterance, and I make the criticism not in a hostile spirit but in a spirit in which I feel I would join cordially with Mr. Gompers to produce the result notwithstanding all the differences we may have had in past years.

Mr. GALLINGER. Mr. President, I bespeak the indulgence of the Senate for a very few minutes. When this matter was under discussion the other day, I called attention to the fact that as chairman of a special committee of the Senate I had made a report touching upon labor questions which existed 25 years ago. It was during the Homestead strike, a very troublesome question at that time, even involving the use of the Regular Army to some extent and of Pinkerton's detectives. That committee was composed of men of both political parties and they unanimously agreed upon a report, which is before me.

I simply want to detain the Senate long enough to ask the Secretary to read the first six findings of that committee and then to ask him to read the concluding paragraph of the report. I will say before the reading that the position I held 25 years ago on this question I have held consistently ever since and hold to-day, and while I have many times been misrepresented and made to appear as the enemy of the laboring men, and all that sort of thing, the record made in that investigation is my full justification for the views that I now hold, and which I have held during the quarter of a century that has elapsed since the report was made.

I ask that what I have indicated be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The SECRETARY. Reading from Senate report, second session, Fifty-second Congress, Report No. 1280, page 14:

Your committee have reached these conclusions:

- (1) Rights of employers and workmen are equal and persons and property should be jealously guarded and protected.
- (2) Employers have an undoubted right, provided they fulfill their agreements, to employ and dismiss men at pleasure.
- (3) Workmen can legally organize for mutual protection and improvement.
- (4) When dissatisfied with the wages paid or the hours of labor they should attempt to arbitrate their differences with a view to an amicable adjustment.
- (5) Failing in this, the workmen have a right to discontinue work either singly or in a body.
- (6) Having discontinued work they have no right, legal or moral, to undertake by force or intimidation to keep others from taking their places or to attempt to occupy, injure, or destroy the property of their employers.

#### CONCLUSION.

Your committee recognizes the gravity of the existing conflict between employers and workmen in this country. In the final test of our institutions this may play an important part, and hence anything that tends to mitigate the evil should be welcomed by all. Our investigations have led us to conclude that the fault is not wholly on one side and that both employers and the employed should be willing and anxious to find a middle ground upon which they can meet and adjust their differences without strikes, riots, bloodshed, or suffering. That middle ground seems to be in the direction of arbitration. When that principle is recognized, the chasm which now exists between these two classes will be closed to a large extent, the necessity for the use of armed force, if it ever existed, will be done away with, and a new order of things—that of good will and kindly feeling—will take the place of the hates and the bitterness which now prevail in many of our industrial communities. To that end we bespeak the cooperation of all patriotic citizens, and your committee will welcome any legislation which will tend to secure the laboring man his every right without depriving the employer of his; for both are guaranteed by the Constitution and the laws of the land.

Mr. GALLINGER. Mr. President, I will simply add that having held to those views as long as 25 years ago and not having changed my views I still entertain them. I did not believe that the bill we were considering a few days ago denied the right of laboring men to organize, nor did I believe that it denied the right to engage in a peaceful strike. I think that when we are in war it is a very unfortunate time for laboring men to strike for any purpose that can possibly be avoided, but I take it for granted, and I conceded when I addressed myself to the Senate before, that if we had no law on the statute books denying the men that right I did not believe that the provision in the bill with the section that I objected to out of the bill did deny them that right. Hence I voted against agreeing to the conference report.

Mr. FALL. Mr. President, holding the views that I do concerning the matter under discussion I feel it incumbent upon me to express those views as briefly as possible, because I believe it would be an act of political cowardice not to do so, and I think political cowardice to-day is just as much to be criticized in Congress as physical cowardice in the trenches.

I voted against this conference report yesterday because I did not want to see embodied in the statute, nor do I want to

see nor will it be by my vote, the right of employees engaged in the production of articles vitally necessary to be used in the United States in carrying on this war to carry on a strike which will prevent the production of such necessities in any way, no matter for what reason ostensibly the strike may be called.

I hope I make myself perfectly plain about the matter, because I do not want my position to be misunderstood. The law as it stands now would prevent such strikes. To adopt section 3 as it is contained in the conference report is affirmatively to permit such strikes. The law upon the statute books now prohibits this character of strikes. The law upon the statute books now provides a remedy in lieu of a strike.

The law upon the statute books now provides that the President of the United States can confiscate, commandeer, take over every factory or every enterprise of any kind or character whatsoever in the United States whenever he may deem it necessary. Much has been said about the conscription of labor. The Senator from New Hampshire [Mr. HOLLIS] asked the question, "Why not conscript wealth and capital and factories, and so forth?" and indicated—or at least the Senator from Nevada [Mr. PITTMAN] did in a direct statement say that he would vote to conscript the wealth and then to conscript labor. We have provided how the factories can be conscripted. I do not at this time, certainly in a measure such as this, advocate the conscription of labor. As a general proposition, I have announced my position before, and I announce it again, that before we win this war, if that is the object for which we continue to strive, we will conscript every man and woman in the United States. I think we should now provide, not for the permission to the President to conscript but for the conscription of every man and woman in the United States for the service of the United States and provide that they shall be classified for labor for necessary service exactly as we provide that they shall be classified under the provisions of the draft act for military service. I believe that until we meet this proposition face to face and adopt measures of that character this democracy, which is proving every day its inefficiency, will go down before the most efficient power that this world has ever known.

Mr. President, on the statute to-day we have a provision authorizing the President of the United States, whenever he deems it necessary, to take over every factory, every enterprise of every kind or character in the United States. Conscription of wealth in this line, conscription of the instrument of production, is provided for.

I premise by saying that I would never vote for any provision allowing a strike in any necessary war industry to-day, although bona fide for the purpose of increasing wages. I will not so vote, because there is a provision now by which the laboring man in every such industry can obtain the wages which justly should be paid him. It is contained in exactly the same provision by which the President is authorized to commandeer or conscript wealthy manufacturers and all enterprise necessary to the conduct of the war. Let there be a dispute between the laboring man in any factory or in any enterprise engaged in production necessary for the conduct of the war, let there be a bona fide dispute in reference to wages, all that is necessary is for the wage earner, the employee in such factory or enterprise, to present the matter, not to a mediation board, but directly to the President of the United States, who then has it in the power given him by the Congress of the United States nearly a year ago to say to such employer, "You must arrange this matter so as to continue production; you must arrange with your employees; and if you do not so arrange, I shall continue the production, and under the provisions of the law I shall pay these employees out of such production; and if the products do not furnish me with the funds with which to pay such wages, through the taxing power vested in the Government I shall raise from the people of the United States by direct taxes a sufficient amount to enable me properly to compensate these wage earners, these employees, for their labor." The law is ample as it stands.

I heard the Senator from New Hampshire ask yesterday "Why conscript labor?" There is no proposition pending here to conscript labor. When the President takes over one of these enterprises there is no law by which he can force any man in the employ of that enterprise to work under any circumstances or for any salary. There should be, sir, a law allowing him to do so, and there will be such a law sooner or later, and, if not a law, then military necessity will dictate the action, and such action will be taken by the military power, or else you will go down to defeat, and your boasted liberty to your laboring man and the citizens of this country will amount to nothing. You will have lost it forever.

Mr. President, the provision in the draft act that the President of the United States might exempt certain classes of citi-



zens was not intended to provide that a union-labor card should carry with it exemption from military service. The exemption was in the interest of the United States; it was not a favor granted by a congressional act to a laboring man, whether in the field or in the factory. That provision was placed there for the benefit of the United States, in order that the necessary labor might be continued in the necessary lines of production.

All this cry about the protection of the laboring man, such statements as came from Samuel Gompers yesterday, constitute a menace, in my mind, to the people of the United States. For myself I may be allowed possibly to say—at least I will say it—that I have worked harder with these hands than ever Samuel Gompers did, and I commenced at an earlier age than he. Mr. President, we have provided for conscripting wealth; we have provided for commandeering and for conscripting every interest in the United States which is owned by every man who has a dollar. Now, here you would hold out to the laboring man that, simply upon the question of a dollar, he shall have exemption from the operation of the law, although the employer or the capitalist who measures his dollar is by the voice of honorable Senators condemned to obloquy and shame and contempt; and yet you provide that upon a question of a dollar the laboring man who votes in your district shall have protection which you extend to no other class.

Senators, I said on the 22d day of February a year ago that the crisis confronting this country was not that which might be the result of any foreign negotiations or foreign complications, but was that being brought about by social evolutions and conditions in our own country; that it was then the question in my mind, as it is to-day, whether this country can perpetuate itself and whether this republican, democratic representative form of government, of which we have boasted for 150 years, shall continue on the earth. You are going to be compelled to meet these conditions. You, the Congress, have not been meeting them; you have been delegating the authority or the power and shirking the responsibility, casting it through the doors of the White House; you have not been, in my judgment, meeting the crisis of doing your duty as the different phases of the crisis have confronted you from time to time.

Ample law now is given for the protection of the laboring man, but there is no provision whatever for conscripting labor. No law whatsoever rests upon the statute books to-day which will prevent the President of the United States from taking over every industry in the United States and conducting it as he sees fit under the provisions of the act which you have passed.

Mr. FLETCHER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Florida?

Mr. FALL. I yield to the Senator.

Mr. FLETCHER. I desire to ask the Senator this question: Taking the case of a factory where there is difficulty between the employer and the employees, the Senator says that the President can say, "You must adjust this difference or I will take over your factory." Does the Senator mean to say that in an instance of that kind, if the workers decide not to proceed to work in a bone fide effort to secure better conditions or better pay or better hours, they would be violating any law which we now have?

Mr. FALL. I think so, clearly.

Mr. FLETCHER. To what statute does the Senator from New Mexico refer?

Mr. FALL. Under section 9 of the food-control act. I will call the Senator's attention to it.

Mr. FLETCHER. I should just like to see what that provision is.

Mr. FALL. Very well, sir.

Mr. FLETCHER. I do not understand it goes to that extent.

Mr. FALL. Of course there may be a difference of construction.

Mr. FLETCHER. I would agree with the Senator that in such a case the President would have the power to take over the factory, but that would not be the same thing as saying that the workers who refuse to continue work would be violating the law.

Mr. FALL. I shall undertake to show the Senator that, in my judgment, they would be violating the law when they conspire together to strike even for higher wages. I think that it was that provision of the law which the Senator from New Hampshire, when the bill was under consideration here, attempted to amend. I think it was to that his amendment was directed.

Understand me, that while the President can undoubtedly take over the packing plants, there is no provision that he can conscript into the service of the packing plants those now engaged in that industry or those whom he may seek to engage, but, in my judgment, there is a distinct provision to the effect

that those conspiring now in the packing-plant industry, if there were any such, can be punished, and be punished very severely. I will read to the Senator the provision of the law. It is—

That any person—

Mr. FLETCHER. Mr. President, if the Senator will allow me, I think there is a difference between a conspiracy and an ordinary coming together of workers.

Mr. FALL. The Senator, then, thinks that "combination" is a better expression. Very well. I will read and show the Senator that the law includes combinations.

Mr. THOMPSON. Mr. President, will the Senator yield for a question?

Mr. FALL. I should like first to answer the Senator from Florida, and then I will yield with pleasure to the Senator from Kansas.

Section 9 of House bill 4961, known generally as the food-control act, provides:

That any person who conspires, combines, agrees, or arranges with any other person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessities—

That is the first combination or conspiracy or act that is prohibited—

(b) to restrict the supply of any necessities; (c) to restrict the distribution of any necessities; (d) to prevent, limit, or lessen the manufacture or production of any necessities in order to enhance the price thereof—

That is the only provision, namely, subsection (d), under which there is any statement whatsoever as to what the intent of the act should be; in other words, under subsection (d) the act there prohibited must be for the purpose of enhancing prices.

Now, section 12, to which I have referred as giving the power to the President to commandeer not only the packing plants but any plant of any kind or character whatsoever, includes:

Any factory, packing house, oil-pipe line, mine, or other plant, or any part thereof.

After taking them over the same section of the same law, generally known as the food-control act, provides:

The President is authorized to prescribe such regulations as he may deem essential for carrying out the purposes of this section, including the operation of any such factory, mine, or plant, or part thereof, the purchase, sale, or other disposition of articles used, manufactured, produced, prepared, or mined therein, and the employment, control, and compensation of employees.

Now, Mr. President, I yield to the Senator from Kansas.

Mr. THOMPSON. I merely desire to ask the Senator a question. The Senator made the statement that he thought the President had the power now to take over the packing houses. The Senator from New Mexico is an able lawyer, whose opinions are respected by this body, and I simply wish to ask whether he thinks under existing law that the President has that legal authority without the passage of some bill or resolution by Congress?

Mr. FALL. Undoubtedly. The President not only has the power to take them over, to take them out of the hands of the owners, but he has the power to operate them, to control the labor, and to pay the labor whatever price he may fix.

The President of the United States, I think, is generally recognized—and I believe rightly so—as the friend of the laboring man. The President of the United States, it seems to me, can be trusted to do justice to the laboring man. As a matter of fact, I should like to see, as the Senator from New Hampshire says he would like to see, upon the statute books something broader than the power of the President of the United States simply to fix wages; but under this power the President has as much authority to-day as is given to any commission under the English law.

Under the English law they fix the basic wage, which the President can fix under the act to which I have referred. Under the English law they provide that every three months the scale of living should be reported upon; and they provide with reference to private industries which are under the control of the Government that, allowing a certain percentage for profits, paying the basic wage scales, if the profits or the earnings of such a corporation do not justify them in increasing by bonus every three months the wages of the employees to enable them to meet the increased living charges, then the taxpayers shall pay such bonus out of the general treasury. The President of the United States has the absolute authority, in my judgment, to do exactly the same thing. So, holding this power, simply by the statement to any employer, to any factory, or to any industry or those in charge of it, "I will use the power given me by Congress," such employer or the owner of such industry, no matter what he may think or what he may desire, will realize that he will be compelled to accede to the demand of his em-



ployees as indorsed by the President of the United States, for he will know that his entire plant, his entire industry, will be taken from him and operated by the United States under the provisions of this act, and for the compensation provided and no more.

Mr. President, this is the condition to-day. I say again, sir, that in my judgment political cowardice is as much to be reprehended and criticized as personal cowardice in the trenches. I say to-day that labor should be conscripted; that wealth should be conscripted; that neither should be conscripted except where it is absolutely necessary; but I again say that you will, in my judgment, find it necessary to go to the extreme limit or you will find this country in exactly the same condition in which poor Russia, dismembered and in anarchy, finds herself to-day.

#### NATURALIZATION OF ALIENS IN MILITARY SERVICE.

Mr. HARDWICK. From the Committee on Immigration I report back favorably with amendments the bill (H. R. 3132) which I send to the desk, and I submit a report (No. 388) thereon. I wish to make a brief statement to the Senate about the bill after the Secretary reads the title.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). The Senator from Georgia submits a report, which the Secretary will state.

The SECRETARY. Mr. HARDWICK, from the Committee on Immigration, reports favorably with amendments the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States, relating to naturalization.

Mr. HARDWICK. I ask unanimous consent for the immediate consideration of the bill reported from the Committee on Immigration.

The PRESIDING OFFICER. Is there objection?

Mr. GALLINGER. I shall not object now, but I should like to hear the Senator make his statement before the question is put.

Mr. HARDWICK. Mr. President, I was about to explain why it is necessary, in my judgment, that the Senate should proceed immediately to consider and pass this proposed legislation. We have in the first draft army of the United States 123,277 alien soldiers, some of whom undoubtedly might have claimed exemption, but did not. Of these soldiers, 46,732 hold their first naturalization papers and 76,545 have no naturalization papers whatever.

It is impossible, or at least it is unfair, to send these soldiers to the battle line in Europe until they have been naturalized and made citizens of this country, so that they will not be subjected to charges of treason against the governments and princes of whom they were formerly subjects. The War Department is not willing to subject these men to that sort of danger. It is not fair to them and it is not just to the country. They are scattered practically through every command in the Army, or in the new draft army, and it can not be moved as it ought to be moved until these soldiers can be put in a position where this difficulty will be eliminated.

Now, it seems to me that more important than any debate on any domestic question, more important than any dispute about labor, or more important than any bill about presidential powers over executive departments is a proposition to get the Army of the United States so that it can move to the battle line. This is the paramount reason why I ask unanimous consent for the consideration of this bill as amended by the Senate committee. It is to give the authorities of this country, the War Department and the Navy Department, full power—

Mr. THOMPSON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. HARDWICK. I do.

Mr. THOMPSON. Are these the men who are already drafted into the service?

Mr. HARDWICK. Yes; they are soldiers wearing the uniform already.

Mr. THOMPSON. And already trained?

Mr. HARDWICK. There are 123,000 of them already trained, under the flag, and wearing the uniform, who can not justly be sent over to Europe until this legislation is passed.

Mr. THOMPSON. There ought not to be any debate on that question.

Mr. HARDWICK. No; there will not be. Now, in order to be fair, let me state that there is more than that involved in this legislation. When the United States declared war, on April 6, 1917, of course aliens who came from Germany—and subsequently, when we declared war against Austria-Hungary, the same thing was true with reference to that country—could no longer become naturalized in this country. They became

alien enemies, so that petitions that had already been filed under the naturalization laws and were already pending in court could not be prosecuted to a successful conclusion in court. The House of Representatives, realizing the injustice of this, passed some days ago a bill which provided that where naturalization petitions were pending and the first papers had been taken out prior to the declaration of the war with these countries the court could allow these people to become naturalized upon proper showing of loyalty and good citizenship.

Mr. GALLINGER. Mr. President—

Mr. HARDWICK. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I have had several communications on this subject, and on yesterday I referred a letter with relation to it to the junior Senator from New York [Mr. CALDER], who, I think, had introduced a bill on the subject. It seemed to me that something ought to be done. I simply rose to ask the Senator, because I have not had time to read the bill, precisely what the modus is that is prescribed in the bill. Does it, for instance, provide that this legislation is due to the fact that we are in war—that the emergency is because of that fact?

Mr. HARDWICK. Of course, if the Senator pleases, this is war legislation; but by its terms and necessarily it can apply only to war conditions.

Mr. GALLINGER. Yes; that is what I wanted to know.

Mr. HARDWICK. There would be no change in what would happen ordinarily in peace times; but this is an adjustment of our naturalization laws to the war conditions that now confront us.

Mr. GALLINGER. That is precisely what I wanted explained.

Mr. HARDWICK. It is also an effort to put the soldiers in a position where they can go abroad to fight under fair conditions. I do not think there ought to be any objection to its consideration; and if that question is disposed of I will undertake a brief explanation to the Senate of what the measure is.

Mr. LODGE. Mr. President, what bill is this?

Mr. HARDWICK. This is the bill to amend the naturalization laws.

Mr. LODGE. Is it Order of Business 127?

Mr. HARDWICK. No, sir; it has just been reported, and is not on the calendar. The reason I am asking for its present consideration—the Senator from Massachusetts has just come in—is because I am advised by the military authorities of our Government, by both the War and the Navy Departments, that they have over 123,000 alien soldiers who ought to be started abroad at once, and who ought first to be naturalized.

Mr. LODGE. I wanted to know the nature of the bill, because Order of Business 127, Senate bill 2854, a bill to amend the naturalization laws, is a bill to which I have some very serious objections.

Mr. HARDWICK. The substance of this amendment which was worked out by the Committee on Immigration is a bill proposed just a few days ago by the junior Senator from New York [Mr. CALDER], which is really, I think I can say with the consent of the Senator, and without any reflection on him, the department's proposition to readjust or modify the naturalization laws to meet war conditions. The paramount necessity, the immediate and urgent and pressing necessity for immediate consideration is that no matter what else we do or what else we strike out from the bill we must provide for the naturalization of these alien soldiers, who are wearing the uniform and who ought to be sent abroad.

Mr. LODGE. Mr. President, I have no desire to put any undue obstacle in the way of the bill, but this is a pretty long and elaborate bill.

Mr. HARDWICK. Yes.

Mr. LODGE. It changes our naturalization laws. It is here in proof sheets. It has never been before us.

Mr. HARDWICK. I will say to the Senator that we are going to consider it very carefully. It will be printed by morning. I doubt if we can pass it during the day, but we ought to go on with its consideration. The report is a unanimous one, Senators on both sides of the Chamber agreeing to it. There is no disposition on the part of the committee to rush anything or to push anything on the Senate, except that we do believe—and then, when we state that to the Senate, our duty is discharged—that it is of the utmost importance that at least the feature of it to which I have referred should be acted on at once by the Senate.

Mr. LODGE. I do not want to delay the bill at all. The Senator knows that.

Mr. HARDWICK. I know that.

Mr. LODGE. But I do want an opportunity to examine it.

Mr. HARDWICK. The Senator will have that opportunity. Mr. LODGE. I have not had such an opportunity so far. I have partially examined the bill now on the calendar.

Mr. HARDWICK. This bill is not on the calendar, except as it was reported this morning.

Mr. LODGE. The very first section of that bill is a very bad feature.

Mr. HARDWICK. What bill does the Senator refer to?

Mr. LODGE. Order of Business 127, Senate bill 2854, a bill to amend the naturalization laws.

Mr. HARDWICK. By whom was it introduced?

Mr. LODGE. It was introduced by the Senator from New York [Mr. CALDER], and reported by the Senator from South Carolina [Mr. SMITH], who was then chairman of the Committee on Immigration.

Mr. HARDWICK. Let me say to the Senator that that particular bill is not reported. It has been very much changed; and the bill that is the basis of this committee amendment was introduced only a very few days ago, according to my recollection.

Mr. LODGE. That bill has one provision in it, on the first page, which would thwart the very purpose of the treaties that we are now trying to establish. I want an opportunity to examine this bill. It is a subject in which I have taken a great deal of interest.

Mr. HARDWICK. I want the Senator to have it, and he knows that there will be no effort made to keep him from having it; but still I think the Senate ought to consider this question at once on account of one of the considerations I mentioned.

Mr. LODGE. I do not know, of course, how long the consideration of the bill will last; but I can not undertake to examine this bill, which is a very long and elaborate one, in five minutes.

Mr. HARDWICK. I understand; and I do not expect the Senate to pass the bill in five minutes. I expect it to be thoroughly explained and thoroughly understood by the Senate. I would not ask the Senate to pass a bill in any other way.

Mr. LODGE. I have not seen this one at all.

Mr. HARDWICK. I think that is true.

Mr. LODGE. But it seems to me that this bill ought to go on the calendar and be printed, so that we may have an opportunity to consider it.

Mr. HARDWICK. I hope the Senator will not object to its consideration to-day. There will be no disposition to press anything on the Senator from Massachusetts or any other Senator without consideration; but I will say to the Senator that the time has come when we ought to consider this bill. For weeks I have been trying to get this bill reported. In my judgment, it is sound legislation.

Mr. LODGE. I have no question that it ought to be considered.

Mr. HARDWICK. I do not intend to try to take any snapshot judgment on the Senator or anybody else who differs with the committee about anything in the bill.

Mr. LODGE. But I wish the Senator would allow it to go over for a day and be printed, so that we can at least have an opportunity to look the bill over. I say, I should like to have it go over for a day and be printed.

Mr. HARDWICK. Of course, the Senator can have that done.

Mr. LODGE. Of course, it can not be taken up under the rules now.

Mr. HARDWICK. Yes; it can be.

Mr. LODGE. It has not yet been reported from the committee and gone to the calendar. One day has to elapse under the rules.

Mr. HARDWICK. The Senator from Georgia has asked unanimous consent for its present consideration.

Mr. LODGE. Of course, if unanimous consent was granted while I was out of the Chamber, I have nothing to say.

Mr. GALLINGER. It has not been granted.

Mr. HARDWICK. As I have said, the Senator can object; but I hope he will not.

Mr. LODGE. Mr. President, I think the Senator from Georgia ought to be willing to let it go over for a day.

Mr. HARDWICK. I will have to if the Senator insists on it.

Mr. LODGE. This is a very elaborate bill. I do not want to object or delay its consideration for a moment, but I do want to have time to read the bill. It has not been printed or laid before the Senate.

Mr. GALLINGER. Mr. President, I will suggest, the Senator having made the report, that he ask that it lie on the table, and to-morrow in the morning hour he can call it up. There probably will be no objection. I do not object to it now.

Mr. LODGE. I do not want to object to it at all. I only want reasonable time to examine it. Here is a bill of many pages.

Mr. HARDWICK. Yes.

Mr. LODGE. It is a bill altering a most important law, and no Senator has had any opportunity to read it except the members of the committee.

Mr. HARDWICK. That is true. If the Senator takes that view, I will not insist, Mr. President, although I hate to do it.

Mr. LODGE. I hope the Senator will let it go over.

Mr. HARDWICK. I have at least discharged the responsibility on me in submitting the request.

Mr. LODGE. I do not want to take advantage of the right to object, but I should like an opportunity to look at it; that is all.

Mr. HARDWICK. I ask, then, Mr. President, in deference to the request of the Senator from Massachusetts, that the report be printed—

Mr. LODGE. I am very much obliged to the Senator for his kindness. May I ask the Senator, before he takes his seat, whether this is a bill now on the calendar or a new bill?

Mr. HARDWICK. No; this is a Senate amendment to a House bill—H. R. 3132.

Mr. CALDER. Mr. President, if the Senator from Georgia will permit me—

Mr. HARDWICK. I yield to the Senator from New York.

Mr. CALDER. This bill contains many of the provisions of the bill now on the calendar, but it has been almost entirely rewritten and many of the provisions in the other bill have been eliminated.

Mr. HARDWICK. We shall be very glad to have the benefit of the Senator's explanation of it.

Mr. LODGE. My attention was called only a day or two ago to the bill now on the calendar. It contains in the very first section a provision which, I say, would largely thwart the purpose of the treaties we are now making with Great Britain and Canada.

Mr. HARDWICK. Of course, if the Senator from Massachusetts can point out anything of that kind—

Mr. LODGE. I do not know whether this bill contains it or not.

Mr. HARDWICK. If the Senator can point out anything of that kind in the bill which the committee has reported, we shall be very happy to correct it, because we have no pride of opinion about it and no pride of authorship concerning it, and we only want to get the right kind of legislation passed.

Mr. LODGE. I do not know whether this bill contains it or not.

Mr. HARDWICK. In view of the Senator's position I will not insist to the point of forcing him to make an objection, although I do not want the responsibility to rest on me for delaying this legislation one day, the way I feel about it.

Mr. LODGE. Mr. President—

Mr. HARDWICK. I am not trying to put it on the Senator. I understand how he feels about it; but I do think it is of the utmost importance that this bill should be passed at the earliest possible moment, and I am willing to stay here all day and all night, as many days and as many nights as are necessary, until we get it through. I do not want to rush it on anybody. I am willing to consider it, and I wish the Senator could let us go on with it.

Mr. LODGE. The committee has had it under consideration since February 5?

Mr. HARDWICK. Yes.

Mr. LODGE. I do not think it is very much to ask that the Members of the Senate who are not fortunate enough to be on that committee should have one day.

Mr. HARDWICK. The Senator from Georgia does not, either; and since that request is made, he asks that the bill and report be printed and lie on the table and gives notice that to-morrow morning he will call it up and insist on the Senate acting on the request for unanimous consent.

#### WAR MATERIAL AND WAR TRANSPORTATION.

Mr. JONES of Washington. Mr. President, if it is in order now, in view of the discussion we have had to-day, and in view of the importance of the matter involved, I desire to enter a motion to reconsider the vote by which the conference report on the bill that was considered yesterday was rejected, and, in accordance with the rules, to move that the House be requested to return the papers to the Senate.

Mr. HOLLIS. I will say that the bill to which the Senator refers is Senate bill 383.

The PRESIDING OFFICER. The Chair is not through with the regular order.



Mr. HOLLIS. The motion to reconsider is a privileged motion, and can be made at any time, as I understand. The motion is simply made—to lie on the table until it is called up.

Mr. JONES of Washington. The rule requires that the motion to request the House to return the papers shall be put at once, without debate.

The PRESIDING OFFICER. The Senate has heard the motion of the Senator from Washington. Those in favor of the motion will say "Aye." [A pause.] Those opposed—

Mr. LODGE. What is the motion?

Mr. JONES of Washington. Let the question be stated.

The PRESIDING OFFICER. The Secretary will state the substance of the motion.

The SECRETARY. The Senator from Washington [Mr. JONES] moves to reconsider the vote on the conference report on Senate bill 383, the so-called sabotage bill.

Mr. JONES of Washington. And he accompanies that with a motion to request the House to return the papers, which motion should be put first.

Mr. LODGE. I make the point of no quorum.

The PRESIDING OFFICER. The point of no quorum is made. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	James	Norris	Smith, Ariz.
Borah	Johnson, Cal.	Overman	Smith, Md.
Calder	Jones, N. Mex.	Page	Smith, S. C.
Colt	Jones, Wash.	Penrose	Sutherland
Culberson	Kellogg	Phelan	Swanson
Cummins	Kendrick	Pittman	Thomas
Dillingham	King	Poindexter	Thompson
Fernald	Knox	Pomerene	Tillman
Fletcher	Lewis	Ransdell	Townsend
France	Lodge	Reed	Underwood
Gallinger	McCumber	Robinson	Wadsworth
Gore	McKellar	Saulsbury	Walsh
Hale	McNary	Shafroth	Warren
Harding	Martin	Sheppard	Weeks
Hitchcock	Nelson	Sherman	Wolcott
Hollis	New	Simmons	

Mr. SHEPPARD. I desire to announce that the junior Senator from Kentucky [Mr. BECKHAM] is detained on official business.

Mr. LEWIS. I wish to announce that the Senator from Georgia [Mr. SMITH] and the Senator from Mississippi [Mr. VARDAMAN] are detained on official business.

Mr. JONES of Washington. I desire to announce that the junior Senator from Kansas [Mr. CURTIS] is necessarily absent on business of the Senate.

Mr. ROBINSON. The junior Senator from Nevada [Mr. HENDERSON] is unavoidably detained from the Chamber on public business.

Mr. REED. I desire to announce that my colleague [Mr. STONE] is absent on account of illness. I ask that this announcement may stand for the day, and perhaps it may as well stand for several days, so that it will be understood, without a repetition of the statement, that he is detained from the Senate by illness.

The PRESIDING OFFICER. Sixty-three Senators have answered to their names. A quorum is present.

Mr. LODGE. Let the Chair state the motion.

The PRESIDING OFFICER. The Senator from Washington moves to reconsider the vote on the conference report upon Senate bill 383, and that the Secretary request the House of Representatives to return the bill to the Senate.

Mr. LODGE. Mr. President, while a quorum was being called I learned from the chairman of the committee that the House has accepted the request of the Senate for a conference. The bill is therefore in conference and can not be recalled by the action of one House. I make the point of order that the motion is out of order because the bill is already in conference.

Mr. HOLLIS. I wish to say on the point of order there is nothing to prevent the Senate from requesting that the papers be returned. If the conferees on the part of the House are willing to return the papers to the Senate, they have a perfect right to do so. We can not order it. The motion now is whether the Senate shall request the House to return the papers.

Mr. LODGE. The motion is to reconsider and ask the House to return the papers. The papers are not in the possession of the House; they are in the possession of the conferees.

Mr. JONES of Washington. Has the Senate been notified to that effect?

Mr. LODGE. I asked the chairman of the committee and was informed not.

Mr. JONES of Washington. The Senate has no notice. Under the rules of the Senate a motion to reconsider can be made.

Mr. LODGE. On an ordinary bill there is no doubt about it, but the chairman told me the House had agreed to the conference. Therefore the bill is in the possession of the conferees.

Mr. OVERMAN. Mr. President, I do not make any point one way or the other, but I should like to ask the Senator from Massachusetts what is the parliamentary situation? I understand the Senator from Washington has made motion to reconsider. We have no notice here, but it is true that the House has granted the request of the Senate and appointed conferees. A conference is to be held in the morning. There is a motion here to reconsider. What are the conferees going to do in the morning?

Mr. GALLINGER. Mr. President, I call attention to the fact that the hour of 2 o'clock has arrived.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. HOLLIS. The motion of the Senator from Washington is a privileged motion which can be entertained at any time. His motion to reconsider is not the question at this time, but it is accompanied by a motion that the House be requested to return the papers. The rule on that is that the "last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider." I ask that the vote be taken.

Mr. GALLINGER. The unfinished business is before the Senate.

Mr. LODGE. The unfinished business is before the Senate. A motion to reconsider is not privileged.

Mr. HOLLIS. The unfinished business must give way to a privileged motion.

Mr. LODGE. Under what rule is it privileged?

Mr. HOLLIS. Under Rule XIII, and the ruling—

Mr. CUMMINS. While the Senator is looking for the reference I rise to a parliamentary inquiry. It is this: Has the Senator from North Carolina asked to lay aside the unfinished business?

The PRESIDING OFFICER. The Chair does not so understand.

Mr. OVERMAN. I have not.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the unfinished business was laid before the Senate.

Mr. OVERMAN. On objection I could not lay it aside. I do not like to lay the unfinished business aside, but I should like to have the Senate determine the question whether the conferees are to meet in the morning.

The PRESIDING OFFICER. The Chair will not ask if there is objection to laying it aside, because the Chair knows there is going to be objection.

Mr. CUMMINS. I suggest to the Senator from North Carolina that whatever may be the merits of the point of order it can not be decided, nor can the motion to reconsider be decided, so long as the unfinished business is before the Senate. Inasmuch as I intend to address the Senate upon that subject, I want to know whether the Senator from North Carolina asks to have it temporarily laid aside.

Mr. OVERMAN. No; I say I can not do so if there is going to be objection.

Mr. JONES of Washington. Let me suggest to the Chair that a motion to reconsider, accompanied by a motion to request the House to return papers, was made before the hour of 2 o'clock arrived. Under the rule a motion to ask the House to return papers must be submitted immediately and without debate, and it should have been submitted. I take it that it has a privileged place, even ahead of the unfinished business.

Mr. CUMMINS. The Senator from Massachusetts made a point of order after 2 o'clock.

Mr. JONES of Washington. The motion was made before 2 o'clock.

Mr. LODGE. I made the point of order before 2.

Mr. GALLINGER. It is not simply a motion to return the papers, but to reconsider the vote, and it is palpable that that is not a privileged motion. It never has been so treated in the Senate.

Mr. JONES of Washington. I did not suggest that the motion to reconsider was a privileged motion, but there are two motions; one is a motion to reconsider, which will not be acted upon until the papers are here, and the other a motion to ask the House to return the papers, and under the rule that motion must be voted on immediately and without debate. It should have been immediately put.

Mr. HOLLIS. I read from Gilfry's Precedents, page 505, a ruling in the Thirty-fifth Congress, second session:

A motion to reconsider may be entered as a privileged motion, but its consideration must be determined by a vote of the Senate.

It being a privileged motion, it may be entered at any time. That does not give the motion to reconsider a right to be consid-

ered or voted on at once, but a motion to reconsider in a case where the papers have gone out of the possession of the Senate must be accompanied by a motion to request the House to return the papers, and there is a rule which makes it obligatory upon such a motion being made to have it acted upon immediately and without debate, and if determined in the negative to be a final disposition of the motion to reconsider.

The Chair had put that motion. The vote was taken viva voce, but the Chair did not declare the result. Now, we are entitled to have a vote and a decision on the motion to have the papers returned. Otherwise this rule would be boy's play and futile. The Senate has a right to decide whether it wants to have the papers returned.

Mr. LODGE. The Chair did not put the motion because I made the point of no quorum, and a quorum being developed I made the point of order that the papers could not be recalled because the House had agreed to the conference, and one House can not control a conference. When the papers are in conference it requires the action of both Houses.

Mr. FLETCHER. I think the record will show that the Chair did put the motion and called for a vote on the motion. The Chair expressly put the question for the affirmative and the ayes responded, and the Chair put the question for the negative vote and the noes responded, and at that time the Senator from Massachusetts rose and desired to know what motion was being put, and thereupon suggested the absence of a quorum.

The PRESIDING OFFICER. The Senate, of course, has a right to decide upon any ruling of the Chair. The Chair will rule that the motion to request the return of the papers is in order and should be acted upon by the Senate without debate.

Mr. GALLINGER. Mr. President, I have to appeal from that decision as the papers are in the hands of the conference committee and can not be returned by a vote of one body.

The PRESIDING OFFICER. The Chair thinks the Senate has no official notification of that state of fact, but an appeal is taken from the decision of the Chair.

Mr. REED. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Missouri will state it.

Mr. REED. It has been repeatedly said that we had no official notice of the fact that the House appointed conferees. In such a case I understand it is not the custom of one House to notify the other when a conference has been asked and they have actually appointed conferees. They notify when they have agreed to or rejected the conference report. The action of the House speaks for itself. If the House has acted, then the fact has been fixed. It does not require notice here to fix the fact. The question is, Is it a fact? That is not to be determined by our notice, but by what the House has done.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. GALLINGER. While on my feet I meant to make the very suggestion the Senator from Missouri has made, that we are not notified officially that the House agrees to appoint conferees.

The PRESIDING OFFICER. The Chair will state one point which is troublesome here. If the statement be true that the Senate can not request the return of papers after they have gone into conference, then it would not be possible at any time to reconsider the action of the Senate after a measure had gone to conference.

Mr. LODGE. It is not.

Mr. GALLINGER. The very point I would make is that the papers are in the hands of the conference, and they can make any report they please. They can open this entire subject by making a report. That is the only method by which it can be done under our rules.

Mr. LODGE. The message was received yesterday by the House, and the chairman says the conferees have been appointed. I never understood that in such a case papers could be recalled by one House from the other, because there can then be no joint action. I merely want to make that point against the ruling. There must be a cessation of discussion somewhere, and there is until it has been acted on by the other House.

The PRESIDING OFFICER. The Senate may decide that question. Shall the decision of the Chair be sustained? [Putting the question.]

Mr. RANDELL and Mr. PITTMAN called for the yeas and nays.

The yeas and nays were ordered.

Mr. SIMMONS. What is the question?

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The Secretary proceeded to call the roll.

Mr. JAMES (when Mr. BECKHAM's name was called). I desire to announce that my colleague [Mr. BECKHAM] is detained on official business, and that he would vote "yea" if here.

Mr. FERNALD (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. In this instance I transfer that pair to the junior Senator from New Jersey [Mr. BAIRD] and vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to my colleague [Mr. STONE] and vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BECKHAM] and withhold my vote.

Mr. WOLCOTT (when his name was called). Having a general pair with the junior Senator from Indiana [Mr. WATSON], I withhold my vote.

The roll call having been concluded,

Mr. HOLLIS. I was requested to state that the junior Senator from Florida [Mr. TRAMMELL] is temporarily absent on official business.

Mr. PENROSE (after having voted in the negative). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. I note that he has not voted; but in view of the fact that he made a speech against this measure in the Senate the other day, I will let my vote stand.

Mr. CALDER. Is the Senator from Rhode Island [Mr. GERRY] recorded?

The PRESIDING OFFICER. He is not.

Mr. CALDER. I withhold my vote, being paired with that Senator.

Mr. SAULSBURY (after having voted in the affirmative). I understand the senior Senator from Rhode Island [Mr. COLE] has not voted. I transfer my pair with that Senator to the junior Senator from Florida [Mr. TRAMMELL] and allow my vote to stand.

Mr. BANKHEAD (after having voted in the negative). I have a pair with the senior Senator from Connecticut [Mr. BRANDEGEE]. I will transfer that pair to the Senator from Oklahoma [Mr. OWEN] and allow my vote to stand.

Mr. KNOX. May I inquire if the Senator from Oregon [Mr. CHAMBERLAIN] has voted?

The PRESIDING OFFICER. He has not.

Mr. KNOX. I have a pair with that Senator, which I transfer to the Senator from Utah [Mr. SMOOT] and vote "nay."

Mr. JONES of Washington. I desire to announce that the senior Senator from Kansas [Mr. CURTIS] is necessarily absent on business of the Senate. I will allow this announcement to stand for the day.

Mr. HARDWICK (after having voted in the negative). I am paired with the Senator from Kansas [Mr. CURTIS]. I transfer my pair to the Senator from Arizona [Mr. SMITH] and let my vote stand.

Mr. LEWIS. I desire to announce that the Senator from Montana [Mr. WALSH] and the Senator from Rhode Island [Mr. GERRY] are necessarily detained on official business.

Mr. McNARY. I wish to announce that the senior Senator from Oregon [Mr. CHAMBERLAIN] is detained on official business.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 29, nays 35, as follows:

## YEAS—29.

Culberson	Kendrick	Pittman	Simmons
Fletcher	Lewis	Pomerene	Smith, Md.
Henderson	McKellar	Ransdell	Swanson
Hollis	McNary	Robinson	Thompson
James	Martin	Saulsbury	Tillman
Johanson, Cal.	Nugent	Shafroth	
Jones, N. Mex.	Overman	Sheppard	
Jones, Wash.	Phelan	Shields	

## NAYS—35.

Bankhead	Harding	Nelson	Sterling
Cummins	Hardwick	New	Thomas
Dillingham	Hitchcock	Norris	Townsend
Fall	Kellogg	Page	Underwood
Fernald	King	Penrose	Vardaman
France	Kirby	Polindexter	Wadsworth
Gallinger	Knox	Reed	Warren
Gore	Lodge	Sherman	Weeks
Hale	McCumber	Smith, Ga.	

## NOT VOTING—31.

Ashurst	Brandegge	Colt	Goff
Baird	Broussard	Curtis	Gronna
Beckham	Calder	Frelinghuysen	Johnson, S. Dak.
Borah	Chamberlain	Gerry	Kenyon



La Follette  
McLean  
Myers  
Owen

Smith, Ariz.  
Smith, Mich.  
Smith, S. C.  
Smoot

Stone  
Sutherland  
Traummell  
Walsh

Watson  
Williams  
Wolcott

The PRESIDING OFFICER. So the decision of the Chair is not sustained, and the unfinished business is before the Senate.

Mr. OVERMAN. It is rather a parliamentary mix-up now. I am chairman of the committee of conference, and have called the conferees to meet in the morning.

Mr. LODGE. The point of order is sustained.

Mr. OVERMAN. I understand; but it does not reach the motion to reconsider.

Mr. LODGE. It throws out the motion. I made the point of order against the motion. The motion has been sustained by a vote of the Senate. The point of order went to the whole motion.

Mr. OVERMAN. I did not understand whether it went to the whole motion or not. I just want to know where I am; that is all.

Mr. GALLINGER. The Senator from North Carolina will remember, of course, that a motion to reconsider can not be made until the papers are brought back. The Senate has decided that the papers can not be brought back under the point of order.

Mr. FLETCHER. Allow me to make a suggestion. The only question decided was that the motion which the Chair was beginning to put is not now in order. There has been no adverse decision as to the motion itself or on the merits of the motion. The motion can be put at any time the Senator from Washington desires to offer it.

Mr. LODGE. The motion was made. A point of order was made against the entire motion, and of course when the point of order was sustained the motion falls.

The PRESIDING OFFICER. The Chair is of opinion that, inasmuch as the Senate refused to recall the papers, the motion to reconsider is not in order; and, in view of the action of the Senate, it sustains the point of order against the entire motion.

Mr. FLETCHER. May I suggest to the Chair that the question was not whether the papers should be recalled. The only question was whether the motion should be put or not, and on that question—

Mr. GALLINGER. Oh, no.

Mr. FLETCHER. The Chair was overruled. The question was not before the Senate, whether the papers should be recalled or not. The Chair was proceeding to put the motion, and a point of order was made that the motion could not be put because the unfinished business was before the Senate. The Chair held otherwise. On an appeal from the decision of the Chair the Chair was reversed, so that it stands now precisely as it stood before, with the motion made by the Senator from Washington pending; but on account of the unfinished business intervening that motion is in abeyance.

Mr. GALLINGER. Mr. President, I rise to a point of order. My point of order is that the Chair has made a decision, and, no appeal being made, the decision of the Chair must stand—that the motion to recall the papers with a view to reconsidering the vote was adversely acted upon.

The PRESIDING OFFICER. The Chair thinks the Senator from New Hampshire is right, but is glad to hear the opinion of the Senator from Florida. The unfinished business, which is Senate bill 3771, is before the Senate.

#### REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. CUMMINS. Mr. President, I desire to draw the attention of the Senate to a brief discussion of the bill reported by the Judiciary Committee, which is now the unfinished business of the Senate. I listened with the deepest interest to the able, good-tempered, interesting observations of the Senator from North Carolina [Mr. OVERMAN]. It is needless to say that I acquit him of any purpose to challenge the loyalty or the good faith of any of his colleagues.

I listened to the illogical, though fascinating, eloquence of the Senator from Illinois [Mr. LEWIS]. I freely acquit him of any intent to challenge the good citizenship of any Member of the Senate. I must say, in passing, however, that, as it seemed to me, more strikingly inconsistent observations never fell upon the ears of Senators of the United States than we heard in the charming periods of that great orator. I listened to the historical and critical review of the subject presented by the Senator from Arizona [Mr. ASHURST], and we all know that he could not under any circumstances impugn the loyalty and

good intent of his associates in the Senate. Notwithstanding these suggestions, however, with regard to the purpose in the minds of these distinguished Senators who have attempted to support the bill under consideration, I must, in order to be frank and candid, say that through all of them there runs a thought which, with its reiteration from time to time, is increasingly irritating and indefensible.

Whatever the Senator from North Carolina [Mr. OVERMAN] and the Senator from Illinois [Mr. LEWIS] intended to do or intended to say, what they did do and what they did say was calculated to produce just one effect. They would have the Senate and the country understand, and no other conclusion can be drawn from their utterances, as well as the utterances of other eminent statesmen to whom I will call attention in a moment, than this: That any man in the Senate or out of it, in the House of Representatives or out of it, who does not accord to the President whatever he demands, who is not willing to give him all the power which he asks, is not loyal to his country and does not desire to win in the mighty conflict now engaging all the energies and all the thought of the American people. No matter in what language it may be expressed, no matter how beautiful the imagery may be, no matter how striking the illustrations may be, the argument is: The President has asked for the measure, he has asked for power, and he who denies the request of the President is an enemy of his country, is disloyal to the Government, and does not desire America to win in the war in which the whole world is now involved. I resent the argument, while at once vindicating the Senator from North Carolina and the Senator from Illinois of any purpose to impugn either my loyalty or my fidelity to American institutions and American principles and American honor.

The argument is not confined to this Chamber. It is prevalent elsewhere. It is exactly the same argument which the President of the United States made in his letter to the Democratic candidate for Senator in Wisconsin, in which he suggested, in terms that could not be misunderstood, that anyone who failed in answering his demands or his wishes since the great war began in Europe concerning the attitude of the United States is an unfit man to represent the American people in Congress, and if in Congress is incapable of expressing American ideals, American ambition, and American hopes.

The time has come, at least so far as I am concerned, when I feel it necessary to deal with that thought. The time has come for us to understand whether we must accord the President infallibility; whether we must agree with everything that he may suggest in order that we may stand foursquare with the loyal, upright sentiment of the people of this country. I do not intend in anything that I shall say to disparage the President. I shall presently mention the length to which I have gone and intend hereafter to go in his support; but I do intend to dissipate, if I can, the atmosphere which has gathered around this Chamber, which is created throughout the country, and which obscures the duty of Members of Congress and may mislead and deceive the people of the Republic.

These observations and this thought in my mind will make it necessary for me to speak a word, first, with regard to my attitude toward the war; second, my attitude toward the President; and, third, my conception of the part which the Constitution of the United States plays in the legislation which we are asked to enact.

Mr. President, so long as the United States was a neutral Nation, under the inaction of Congress and under the leadership of the President I attempted in good faith to be a neutral. There was some difference of opinion from time to time with regard to the things which constitute neutrality, but I tried in each instance by my voice and by my vote to exemplify before the world the neutrality of this Nation. When Congress on the 6th of April, 1917, abandoned its neutral position and declared war or the existence of a state of war between the United States and the Imperial Government of Germany, I became a belligerent, and I have been belligerent every moment since that day.

Mr. President, I voted for the declaration of war. I was one of the men who believed that Congress should have considered the subject before the 6th day of April, 1917, although at the same time I was unwilling to give the President the power to declare war or to make war; and because I thought that Congress then ought to have exercised its constitutional function and to have decided what should be the relation between the United States and Germany, and that we ought not to confer upon the President the right either to declare war or to make war, I was denounced throughout the land as a traitor—not alone a traitor to the President, but a traitor to the Republic as well. I have not changed my mind a whit with regard to that vital controversy. I think that whenever Congress abandons its constitutional privilege of declaring war or maintaining peace,



whenever Congress assumes to confer upon the President, no matter who he may be, the right either to make war or to declare war, the end of free institutions approaches.

But when Congress did declare war and did exercise its constitutional power in that respect, from that moment until this no man has been permitted to outrun or to excel me in the efforts I have made to bring strength to this country in the conflict upon which it has entered; and I venture to say that there will be a great many voluble patriots who will fall by the wayside before I am willing to give up the struggle.

I have not been in favor of talking about peace since the 6th day of April, 1917. There has never been a time since that moment when the people of the United States ought to have occupied themselves in discussing terms of peace. There was but one thing for us to do when we entered into war with Germany, and that was to equip our armies and our navies as rapidly and as efficiently as we could, in order that we might overcome the enemy. So far as I am concerned, it matters not what may be the outcome in France; it may be that our fond hope with regard to the struggle upon the bloody and historic soil of that Republic will be shattered—I pray God that it may not be so; but it may be so—but even if the arms of the German Empire are successful in Europe, I shall not be found ready or willing to make peace with the brutal monster who is now devastating the whole civilized world.

I am enlisted in this war for the war; and the war will not entirely end, so far as I am concerned, until the German Government, representing the military strength and power of that great country, is broken and crushed and destroyed forevermore. I do not know where the scene of the battle will be; I do not know whether it will be on the ocean, or whether it will be in some of our possessions beyond continental United States; it may be upon the soil of the Republic itself; but, wherever it is, the United States must go forward earnestly, passionately, remorselessly until we have conquered the enemy whose power and whose depredations led us into the carnage. Otherwise, every boy who goes to his death in France will have died in vain; otherwise all the treasure which we pour out to maintain this conflict will have been expended in vain; otherwise the great burden under which we must stagger for years and years to come will be borne in vain. There is but one end to the war; it must end in victory. If we are defeated our institutions go down; if Germany is not defeated, her crown is triumphant; and in so far as I can influence the course of events, this battle for civilization, for the right to live, the right of our community, at least, to select its own institutions for its own government, will not end until our cause is absolutely vindicated and established.

This, Senators, is my attitude toward the war, and I hope that the eloquent Senators from North Carolina and Illinois, not intending to impugn my fighting loyalty because I am opposed to certain parts of this bill, will in the future so phrase their observations before this body as to omit that exceedingly disagreeable, grievously unjust suggestion and inference which I find in every word that has been uttered in defense of the bill so far.

If the Senator from North Carolina and the Senator from Illinois would come before the Senate saying, "Here is certain power which ought to be given to the President, which, in our opinion, will help in the prosecution of the war, power that he can exercise better and more efficiently than anyone else," that might create simply a difference of judgment; but there could be nothing objectionable whatsoever in an argument of that character. Thought there might arise conflict of judgment in regard to it, some of us might think that any given power which it was suggested ought to be conveyed or transferred to the President could be better exercised by some one else, the debate would proceed upon proper lines; but when those who advocate this bill and other bills like it come before the Senate declaring simply that the President wants this power, that because he wants it he ought to have it, and that every man who questions the propriety or wisdom of granting the power is not a loyal citizen and is not in favor of winning the war, then we have a situation and a position which all good people must deplore, for in the end that attitude—and I commend this suggestion not only to the Senators who have spoken, but to those who are yet to speak and those who are yet to vote—in the end that attitude will destroy the strength of the American people; in the end it will so alienate the affections of the people from the administration as to rob the President of the authority which he ought to have, and which every intelligent, loyal man is more than willing to give him.

This warning is not uttered in any offensive sense. I do not feel that way. My only hope is that we can make this country strong and united, and that we ought not to perpetuate the

habit and practice of denouncing every man as an unfit citizen and as a disloyal public servant who differs from the President or from his spokesmen in the Senate upon any given question.

That reminds me of the manner in which we are advised that the President wants this power. The President has delivered no message to Congress upon the subject; he has not indicated to the Senate in any public way his views upon this legislation. It was disclosed in the committee, and inasmuch as the proceedings before the committee have been commented upon, I presume I may, without violating any confidence, mention what we understood there with regard to the wishes of the President and how they were communicated. I understand that the President asked the eminent Senator from North Carolina [Mr. OVERMAN]—than whom a better man never lived, and I say of him, as the Senator from Georgia did, I am bound to him by ties of affection that seem to me more lasting and stronger than connects me with any other man in the Senate Chamber, and nothing that I say must be understood as reflecting upon him in any way whatsoever—but the President summoned the Senator from North Carolina, desiring to talk with him upon this subject. He did talk with him. This bill is the result of that conference between the Senator from North Carolina and the President. There was no reason why the Senator from North Carolina should not confer with the President upon the matter, but there was great reason and is great reason and always will be great reason against a Chief Executive communicating with Congress in that way. The bill was introduced. Some of the members of the committee asked the Senator from North Carolina what powers the President wanted that he did not already have. The Senator from North Carolina, I think, instanced two things that ought to be done. The Senator from Georgia has referred to them. Upon inquiry it was found that the President had full and complete power with regard to these things, and there was not instanced before the committee at any time or suggested at any time a single specific power which the President thought was wise to confer upon him which he did not already fully possess under the legislation of Congress and the Constitution of the United States.

I do not believe that is the way in which the President should recommend legislation for the welfare of the Union; it is not the way pointed out in the Constitution. It may be the way in which some Chief Executives have sought legislation in times past, but no matter whether that plan has been pursued by a Republican or a Democrat it is equally objectionable.

This leads me to say that for the war there is not a drop of partisan blood in my veins. It is a matter of entire indifference to me whether the Chief Executive is of one party or another or whether Senators are of one party or another. I am not a partisan in casting votes or in expressing opinions upon legislation, whether in peace or in war. I have never voted for any measure, I have never spoken for any measure, I have never voted against nor spoken against any measure because my party associates were either for or against it. I had differences of opinion with the distinguished predecessor of the present Chief Executive quite as radical and quite as numerous as any differences which have ever arisen between the existing administration and myself. I voted against him when I believed I ought to do so just as freely as I vote against the present administration. There is no use raising the banner of nonpartisanship in this Chamber. So far as the war is concerned, there is no partisan flag. Every Senator, whether on the other side of the Chamber or on this side of the Chamber, is infinitely more interested in the preservation of the Republic and in the honor of the Union than he can possibly be in any political party or in the representatives of any political party.

I am just as indifferent to the authorship or source of any suggestion touching the war as a man can possibly be; and I intend in the future, as in the past, to follow the President of the United States whenever I believe he is right, and I intend to resist him whenever I believe he is wrong. But notwithstanding the suggestion of the Senator from Illinois as to the clouds that may arise in the sky of those Senators who do not vote for this bill, I am willing to go to the country upon that platform. I am willing to have my support of or opposition to the President weighed and tested by the standard which all good men must acknowledge and must accept in determining their public duty.

Mr. President, a word with regard to my attitude toward the Constitution; and that is suggested by the remarks of the Senator from Illinois, who seemed to believe that there were Senators—there were people—who, rather than preserve the Union, the integrity of our institutions, the honor and the glory of the American name, would cling to the technical shred of a Constitution adopted in peaceful times and for purposes other than war. If there is such a Senator, I do not know him. I im-



mediately challenge the thought that I have often heard expressed here, sometimes from my side of the Chamber as well as upon the other, that democracy is weak in war, using the word "democracy" as the synonym of the republican institutions established by the Constitution of the United States. I challenge the view.

The Republic of the United States is not weak in war. So far from being weak in war, a country like our own is infinitely stronger in war under the Constitution and pursuing the Constitution than any monarchy ever established among men. It does infinite harm to free institutions to have it constantly said that they are good enough in times of peace, but that they must be abandoned in times of war. It is a heresy, it is a misrepresentation of the power and might of free men, and ought not to be ever again uttered under American skies.

The only condition which makes a democracy or a republic weak in war is disaffection among the people of the country. Strength in a republic presupposes that a great majority of the people favor the undertaking in progress, no matter what it may be. If the people of this country are really in earnest in prosecuting this war, as I think they are and as I know I am, the United States can be more powerful under our Constitution than the Imperial Government of Germany can be under her system of laws.

We entered the war unprepared. I am not going to enter upon an inquiry with respect to whose fault it is that we were unprepared. I do not care at this time, nor is it material at this time; but we were unprepared, and unpreparedness is an obstacle which can not be overcome in a brief space of time. I am not going either to criticize any subordinate officer of this Government in regard to our preparation. While many things probably have been done that should not have been done, and many things have been left undone that should have been done, most of the mistakes, if not all of them, are incidental to the magnitude of the task in which we have been engaged. The real difficulties, the underlying difficulties, have not been with subordinates. They grew out of the want of a harmonious and intelligent policy in preparation for war.

But I must not digress. I must not allow myself to wander into those paths, because I am attempting to indicate my conception of the Constitution as it relates to the war.

I believe the Constitution of the United States is just as dominant in war as it is in peace. I believe that it is just as potent, as powerful in the government of the people and in the government of those whom the people have elected to conduct our affairs, in war as it is in peace. Furthermore, I believe it is as great a moral crime to violate the Constitution, ignore it, or condemn it in time of war as it is to do a like act in time of peace. I assert, and I challenge successful contradiction—indeed, I doubt whether there can be or will be any contradiction, successful or unsuccessful—that under the Constitution of the United States the Republic can do everything which any nation can do, I care not what its form of government, in defending itself against an enemy or in prosecuting its cause in war. It is utterly impossible for any Senator here to name anything that can be done in one country, however autocratic its form of government may be, that can not be done under our Constitution.

I am not saying now, mark you, that the thing must or may be done in the same way. There are certain paths pointed out in our Constitution that we must pursue; but there is no limitation of power, and either the President, as the Commander in Chief of the Army and the Navy of the United States, or the Congress of the United States, as the legislative arm of the Government, can do everything that it is necessary for any country to do in order to exert, to summon, to marshal, to use its full, complete strength in war.

This is my view of the Constitution. The difficulty of the question we have before us is that there are some people who harbor the delusion that in time of war all the power of the Government which it may properly exercise in defense or in aggression must be exercised by the President. That is the point of divergence. The President has vast war powers under the Constitution. In the very nature of things his authority as Commander in Chief of the Army and the Navy is immensely widened in the event of war. But, after all, the war powers which can be justly exercised by the President under the Constitution are but a tithe of the powers which we must employ in order to carry on the war successfully; and those further powers are to be employed by Congress and not by the President.

It is one of the purposes of the observations I am now making to recall people to a reflective attitude, to ask them to review our Government and our Constitution, in order to properly assign the powers of war and to give to Congress those which belong to Congress and give to the President those which be-

long to him. When this realignment is clearly and intelligently made, then if there comes a time when we think that the cause of the American people will be served by taking a part of the legislative power and investing it, in one form or another, in the Executive, we will patriotically do it. We have done it in a score of instances—yes, in two score instances—since the war began; and I am pleading only for a continuation of that policy throughout the legislation which will be proposed during the period of the war.

I believe this bill is unconstitutional. The Senator from North Carolina asked me, in the very beginning of his observations, whether I would give up the Constitution in order to save the country. It is pretty hard to tell just what one means by that question; but, understanding him as I am sure he intended to be understood, I answered in the affirmative. If I believed that the safety of our civilization depended upon it, the triumph of our view of humanity and social justice, as compared with the recrudescence of medieval barbarity which seems to be the guiding star of Germany, I answer at once in the affirmative. One must answer in the affirmative. But that does not indicate that I believe that, in this instance, we ought to violate the Constitution in order to prosecute the war, because, in my opinion, we will more successfully prosecute the war, and we will do more toward driving Germany into the defeat and obscurity into which she must be driven, if we exercise our power in a constitutional way.

The bill is unconstitutional because it attempts to delegate legislative power to the President. I intend, after a while, to analyze the bill, and to point out just what it does. I hope I may be permitted, however, to make that a second chapter in my address. It is sufficient to say now that it attempts to confer upon the President the authority to abolish any given agency of the Government, I care not whether it is qualified by the terms "executive" or "administrative" or not. Assuming that it is qualified in that way, to give a concrete example, it attempts to give the President the authority to abolish or suspend for the time being—that is, during the war and for one year after the declaration of peace—the Department of Justice, so that that department will have no functions whatsoever, no power whatsoever, and to transfer all the power and all the functions which have been granted to the Department of Justice by the statutes of the United States to any other department, to any other tribunal or commission, or to any other office or officer of the country.

Mr. OVERMAN. Mr. President, I do not want to interrupt the Senator, but I do not acquiesce in that statement. The bill only gives him authority to transfer functions. Suppose he were to transfer the powers of the Attorney General's office to some other department, would not those be the functions that Congress has already created?

Mr. CUMMINS. Surely; but if the Senator will patiently hear me, I will point out wherein I think the legislative authority is delegated.

The bill says—and I am going to comment upon this at much greater length at another time, or later on—the bill says, and this is perhaps the broadest authority granted:

To transfer—

Now, we have been speaking of executive departments, administrative commissions, and boards and officers, and so on—

To transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another.

It is not possible to question my conclusion that under it, if the law be valid, the President is given the authority to say that from this time on all the powers and duties of the Department of Justice as now organized shall be suspended or abolished, and that all its powers and duties shall be transferred, we will say just for illustration, to the postmaster of Washington.

Mr. GORE. Or to Mr. Creel.

Mr. CUMMINS. Therefore, after an order of that kind is issued, the Department of Justice would have neither power nor duty nor function nor activity, and the postmaster of Washington would be clothed with all the power and would be burdened with all the duties and must perform all the functions which the Department of Justice has hitherto carried, performed, and exercised. I am only mentioning that for purposes of illustration, because I do not want the Senator from North Carolina to think that I believe the President of the United States would do that; but I am testing this proposed statute by the Constitution.

When the President executes this authority, when he enters his Executive order transferring the Department of Justice and all its powers and duties to the postmaster at Washington he is exercising legislative power. There can be no escape from that conclusion. The Congress of the United States could transfer the powers of the Department of Justice to the postmaster



at Washington. No one will doubt that. We can take the power that we have given to any of these departments and vest it in whomsoever we please; but, when we do it, it is a legislative act; and we can not transfer or delegate that authority to any executive officer, I care not how exalted his station may be.

I am not unfamiliar with or unmindful of the judicial declarations and opinions upon this subject. The Supreme Court of the United States has gone a great way in sustaining laws which may have appeared to delegate legislative authority. I do not intend to take the time to review them; there are very many of them; but the attitude of the Supreme Court in the matter is all summed up in its opinion in the case of *Field against Clark*, in one hundred and forty-third United States; and the entire legislative history of the Nation up to that time, and all the authorities that were known at that time, are recited in that opinion. The effect of the decision of the Supreme Court is to say that the legislature can perform a legislative act, such as passing a law, and it can make its operation depend upon a state of facts or events which facts and events may be found and promulgated by the President of the United States. That is as far as the Supreme Court has ever gone or any other court has ever gone in sustaining the exercise, or near exercise, of legislative power by an Executive.

To apply that doctrine to the present instance, I have no doubt that we could describe in this statute a certain fact and say that whenever the President found that fact to exist, or whenever the event named in the statute occurred, and the President should certify to it, thereupon the powers and functions of the Department of Justice should be transferred to and vested in the postmaster of Washington. I think that would be a valid statute; but we have done nothing of that kind in this bill. We have not provided that the President shall ascertain any fact. We do not provide that he shall determine any event, upon the occurrence of which the powers of one of these departments shall pass over to another department or to another officer. We have simply said that the President, whenever he likes, without any administrative ascertainment of conditions or facts, can transfer the duties of the Department of Justice to the postmaster at Washington or to any other officer of the Government. I venture to say that a suggestion of that kind has never before been made in the Congress of the United States. I venture to say that even the most ardent supporter of this bill will find it very hard to defend the constitutionality of the bill in that respect. We not only embrace in the bill the transfer of one department to another, but we embrace in the bill the entire civil establishment which we have in 125 years created for the government of the people of this country. If we should say that the President is hereby authorized, upon finding that the public welfare requires it, to transfer the Department of Justice to the postmaster at Washington there could be found a little glimmer of support for an act of that kind in the opinions of the Supreme Court, although that is not persuasive, because overborne by other arguments that are presented by that court. But we do not even do that in this bill. We attempt to say to the President, "You can take the entire Government, every agency of the Government which we have created and which we have believed to be necessary for the protection of the people. You can take them all; you can take every function of the Government under the Constitution except Congress and the courts, and you can transfer them as you please. You can consolidate all of them in any one man whom you may select and upon the happening of what event? None. The only limitation found in the bill is that the President must find inferentially that his act has some relation to the prosecution of the war."

The Senator from North Carolina [Mr. OVERMAN] is a good lawyer. He is one of our leaders in the Judiciary Committee, and I think I can say without invidious comparison that he is the most active member of that committee. If the Senator from North Carolina will assume the bench, as he once graced it in times that are gone, and hear an argument as a judge upon the constitutionality of this measure, I would wager my life that his conclusion would be that Congress has no constitutional power to confer upon the President of the United States, or to attempt to confer upon him, the legislative authority to transfer functions that have been vested by statute in one department or one officer of the Government to another department or another officer.

If it were necessary to wreck the Constitution in order to defeat Germany, I would be the first man to wreck it; but can the Senator from North Carolina say that it is necessary to overturn the Constitution in order that these powers may be efficiently, energetically, and properly exercised? Congress is in session; Congress can be required to remain here, and it is not only prepared but it is in the full disposition to exercise

every power that it has for the prosecution of the war. If the President wants us to transfer the Department of Justice to the postmaster at Washington, or the powers and functions of that department to some other officer of the Government, and if he can point out that the transfer will more efficiently organize the people of this country for the war there will not be a dissenting vote in Congress upon the proposal. But the necessity should be shown, and that necessity is the essence of legislative power. What do we conclude when we pass a law vesting power in a particular office or officer of the Government? We say to the world that we believe that the wise and just government of the people of this country requires that that office or that officer shall administer the law which we pass. When it is suggested that we ought to take that power from that officer and give it to some other, what kind of power is it that is exercised in reaching a conclusion of that kind? It is legislative power, it is legislative discretion, and the very limit to which Congress can go is to prescribe in a given case that the law shall take effect whenever certain conditions arise, and give the President the authority to ascertain the existence of those conditions and promulgate them, whereupon the law which we pass becomes effective.

Suppose that the law which was construed in the case of *Field against Clark*, which was the tariff law of 1890, as every lawyer knows, had said that whenever the President found that certain South American countries were not treating the United States fairly and reciprocally then he should have authority to prescribe the duties which should be attached to the importations of commodities from those countries. Does the Senator from North Carolina think that we could or should have done that? No; there is not a lawyer in America who thinks that we either could or ought to have done it. All that we could do, and we went to the limit of legislative authority in that matter, was to say that when the President found that these unequal and unreciprocal conditions had been brought about by certain discriminatory acts on the part of certain foreign countries, then the law which we enacted should be inoperative, and when the conditions were restored then the law which we had passed and the duties which we had prescribed should again govern and control the country.

The senior Senator from North Carolina [Mr. SIMMONS] is listening to me. He has composed more than one tariff bill, and I have come to value his opinion as highly as that of any Senator in the Chamber. I should like before this debate is over to hear whether he believes that we could grant to the President of the United States the power to change duties which we had prescribed by statute by saying that upon the happening of an event which the President had promulgated he could impose whatever duties he might think would meet the situation. Of course, there is but one answer to that, and that answer condemns this measure as unconstitutional.

I am with you in riding over the Constitution, wrecking and destroying it, blotting it out of the memory of man if it is necessary to do it in order to win the war, but there has not been a single suggestion from anyone who has spoken for this measure that it is necessary to obliterate the Constitution in order that this power shall be efficiently exercised—this power which belongs to Congress and to no other body in the Government.

I need not say more with regard to the relation of this bill to the Constitution. I do not want it to be retorted upon me at a later time that I offered an amendment in the committee limiting the field in which the Executive authority should act and following that with the inquiry whether that amendment contains the unconstitutionality which I have pointed out in the bill. The amendment which I proposed is just as much subject to the constitutional objection which I have made as the bill itself. My only purpose in offering it was to limit the operation of the bill within fair bounds so that if we must violate the mandates of the Constitution we shall violate the organic in as few respects as possible. I would not have offered any such amendment if I had not known that the majority of the committee were in favor of the bill.

As an original proposition I favor the view so well and so ably expressed by the Senator from Georgia [Mr. SMITH]. It is the only true, safe path for us to pursue, namely, that when the President desires a legislative power or desires the legislature to exercise the power which it alone has he shall come to it and point out the public necessity, so far as our civil establishment is concerned, and ask Congress to exercise that authority for the public good; and that Congress will do it the history of this body and the House of Representatives abundantly and conclusively demonstrates.

Mr. President, a word with regard to my attitude toward the President. I have already mentioned some phases of that subject, but I recur to it, because I do not want to be misunder-



stood. In the literature of the war I concede, and gladly concede, to the President a commanding place. I think that he has with unusual and extraordinary ability sensed the meaning of the war and the relation of the nations to each other, and he has expressed that relation not always consistently but always impressively.

I do not want to be the last man in any procession formed for the purpose of carrying a wreath of recognition in that respect to his shrine. I concede that he has infinite, consummate ability in commanding, coordinating, consolidating Congress and conventions, and I only wish I could say as much in praise of his ability in coordinating the industries, resources, and strength of the people of this country for war. I know that he wants to do all that a man can do. I know that he has no other thought, or at least that it is his supreme thought, to successfully conduct the United States through the perils which now confront it and surround it. But it is no disparagement of the President, it is no lack of loyalty to the President, to say that there are very, very few men in any generation who can command a country like ours in all its resources and all its strength so as to carry it forward to the highest point of success.

I do not intend to utter my opinions in detail, but you can gather, I hope, that while his subordinates have performed miracles in their separate and segregated way in the preparation for this war, it has seemed to me that the one coordinating office has not been occupied with all the vigor and the effectiveness that it should have been.

I agree with the junior Senator from Pennsylvania [Mr. KNOX] in his suggestion made a few days ago. I agree at the same time, strange as it may appear, with the view of the Senator from Illinois [Mr. LEWIS] with regard to the same subject. I agree with the Senator from Illinois in this, although I could not find any harmony between it and his general statement, viz, that the Commander in Chief could do anything he pleases with any body he pleases during the progress of the war. But he said—

Mr. LEWIS. Mr. President, the Senator, in using the word "body," does not mean "person" there? The Senator does not mean to imply by the word "body" that I referred to any person? The Senator meant any body or corporation?

Mr. CUMMINS. Certainly.

Mr. LEWIS. I did not wish to have it understood that the President could do anything with anybody, meaning "any person."

Mr. CUMMINS. I do not believe a President can override a law of Congress and transfer from one bureau to another, or from one department to another, duties which have been reposed in the particular bureau or particular department. In that I agree with the Senator from Illinois; but, practically speaking, it is in the power of the President to coordinate all the energies of the departments presided over by men whom we ordinarily know as Cabinet ministers. It is practically true that there could have been complete harmony between the Navy Department and the War Department in all their purchases, in all their construction, in everything which they have done in order to prepare for the war, if there had been a guiding hand to bring the heads of the departments and bureaus together and to insure that the final determination of one was the consensus of opinion in all. That is practicable; it could have been done; but it has not been done, and I leave the fault to be placed where it belongs. Every Senator can impute it to whatever officer of the Government he thinks ought to bear it.

That, however, does not mean to me that we should not give the President power to consolidate the bureaus of purchases and of construction in the War and Navy Departments. I am perfectly willing to do it. It would delight me beyond measure to do it. Nothing could be more helpful to this country now than to give the President power to erect either in the Department of War or the Navy, or both, a body of men, just as was suggested by the Senator from Georgia [Mr. SMITH], whose word would be final, whose action would be harmonious, and which would completely consolidate all the energy that we are making toward the preparation of our Army and our Navy for the danger and the peril which they must meet.

So, in holding as I do somebody, some person responsible for the discord and disunion and want of coordination which has existed, I am perfectly willing and anxious to go forward and create by law a body under the direction of the President that will do precisely what the Senator from North Carolina thinks ought to be done in that respect.

Moreover, I intend to support the President of the United States as Commander in Chief in the exercise of his vast power and the bearing of his infinite responsibilities as Commander in Chief in every way. There is no power he needs as Commander

in Chief from Congress. Congress can not give him power as Commander in Chief. The Constitution gives him the authority which he exercises as Commander in Chief, and we can neither dwarf it nor can we withdraw it from him. It is given to him, and I want to make him just as strong as it is possible for man to be in the exercise of his powers and duties as Commander in Chief, and there is no resource of the United States in men or money which I am not willing to exhaust in order that he may mobilize both for the successful, energetic prosecution of the war.

No word of disparagement shall ever fall from my lips so far as his duties as Commander in Chief are concerned. I would no more think of criticizing him as Commander in Chief than a soldier would think of denouncing his general in the face of the enemy. When, however, he asks for legislative power in civil establishments, when he asks for powers which do not concern him, which can not concern him as Commander in Chief, when he asks Congress to do something in the exercise of its war powers, then he must grant to me what I so willingly grant to him, the privilege of freedom and the liberty of employing my judgment according to my own conscience.

Mr. President, it is just as disloyal for the President of the United States or anyone else to denounce Members of Congress for the manner in which they discharge their duties as it is for the Members of Congress to denounce the President. We are all a part of the Government. We must not fall under any mistake with regard to this.

There is no one man the Government of the United States, and if it is disloyal to cripple, to hamper, to disparage, to denounce the Government, then those who impugn the good faith of Members of Congress, those who assail the Representatives of the people in the discharge of their sworn duties, are just as culpable, just as censurable as those who would denounce the President of the United States in the discharge of the duties of his high office.

Let us have a fair, reasonable understanding about the Government, so that we can all go forward with one mind, with one purpose, and accomplish the only great thing which the American people have at this time in mind. It ought to occupy, it must occupy, the public attention to the exclusion of every other concern of the citizen, and we will not do it, that unity will not prevail, if we are to hear from day to day these condemnations of those who have public duties to perform, because they will not perform them as commanded by some other officer or function of the Government.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I yield to the Senator from Pennsylvania.

Mr. KNOX. The Senator from Iowa a short time ago, during his present argument, made reference, as I understood him, to the enlarged war powers of the President during war. The same thought was suggested yesterday, that the President during war had great and enlarged and ample and almost autocratic powers, which he did not possess in time of peace. My own conception of the Constitution has always been that the President has no "war powers" either in time of war or in time of peace; that the war powers conferred by the Constitution are all conferred upon Congress. It is true that the Constitution makes the President the Commander in Chief of the Army and Navy, but that does not confer war powers on him. He has got just as much power as Commander in Chief of the Army and Navy during the time of peace as he has during the time of war; his powers are not expanded as Commander in Chief during war, but the subject upon which the power operates is expanded and is so multiplied that, of course, his activities as Commander in Chief of the Army and Navy loom largely in the public eye. However, I should like, having stated my own understanding upon that subject, if the Senator from Iowa is willing, to have his opinion as to whether that is a correct exposition of the Constitution.

Mr. LEWIS. Mr. President—

Mr. CUMMINS. In just a moment I will yield to the Senator.

Mr. LEWIS. Before the Senator from Iowa proceeds, I was going merely to ask the Senator from Pennsylvania, if he will permit me, if he did not understand the contention he has just expressed was the one that I have been, since the passage of the food-control bill as well as yesterday, insisting upon—that the enlargement under the Constitution in time of war is of the exercise of powers which is not encouraged to the same extent or permitted in time of peace?

Mr. CUMMINS. Mr. President, answering the Senator from Pennsylvania [Mr. KNOX], I submit that it all depends upon the sense in which is used the term "war powers." Tech-



nically the Senator from Pennsylvania is undoubtedly correct. I did not use the term in that sense. I used it in the sense of powers that were to be exercised in the progress of the war. They are war powers, as I view the term, only because they are employed during war and when necessary to be employed during war. I quite agree with the Senator from Illinois [Mr. LEWIS] with regard to that.

The Constitution fixes the war powers of the President, and they are simply powers which inhere in the office—if it may be called an office—of Commander in Chief of the Army and the Navy. Those powers, critically expressed, are the same in war as in peace; but the war powers themselves in time of war are infinitely broader than in times of peace. I use the term in that sense.

Mr. LEWIS. If I may be pardoned—I do not want to proceed if I interrupt the Senator—

Mr. CUMMINS. Not at all.

Mr. LEWIS. But the Senator from Pennsylvania [Mr. Knox] nodded his head in this direction meaning to say what for a moment I omitted. He said that yesterday certain contentions were made—and, of course, he referred to the argument that I made—and he was quite accurate in his statement, only I want it clearly understood that I have constantly been presenting this distinction, which I might not have made clear, and which I insist on to-day, that in war time in the exercise of powers the exercise of them is limited only in the discretion of the Commander in Chief, while in times of peace they are limited by regulations prescribed by Congress.

Mr. CUMMINS. Mr. President, with the latter view, which is just now expressed by the Senator from Illinois, I can not fully concur; however, I regard the subject as somewhat irrelevant to the discussion I am pursuing.

I have endeavored, in the time I have occupied the attention of the Senate, to set forth as clearly as I could my appeal for a better understanding of ourselves; my appeal for a more temperate and considerate expression concerning ourselves and our associates. I content myself with that discussion of the measure before us for the present time. I intend a little later to take up the bill itself and analyze it as I view it. The extreme authority in the bill is to take every function of the Government, save the legislative branch and the judicial branch, and to consolidate all power, all duties, all responsibilities in one man, unknown, unnamed, without the consent of the Senate. I suggest this simply that I may leave at this moment the extremes of the bill in the memory of Senators. Just now, however, I think the questions I have been discussing are of infinitely more importance than the details of any legislation.

I can not conceal from myself the conviction that the war in which we are engaged will be of long duration. I can not conceal from myself the apprehension that soon the United States may be alone in the tremendous struggle with the powers of the central governments; but whether that unhappy day shall dawn or not, we are in a conflict that not only demands all the energies and all the resources of the people, all the material things which the people can give, but it demands a unity of spirit, a oneness of determination and purpose never before required by any crisis or any peril confronting the Republic. There is but one way in which that unity of spirit and purpose can be maintained. It is by a toleration which will grant to every man freedom to express his opinion regarding the conduct of the Government, and to every legislator the liberty to use his conscience as the occasion requires. The attitude toward the people of this country can not be that those who were in favor of neutrality until the 6th of April, 1917, are now to be denounced, or at least to be suspected of traitorous sentiments.

There is just one way to save this country, and that is to stretch out our hands in sincere recognition and in sincere association and companionship to every citizen, man or woman, who wants America to win and who is determined that Germany shall lose; and it is to lift up, if I can, a little higher the banner of that spirit that I have spoken up to this time upon the measure now before us. Somewhat later, if I am permitted to do so, I shall attempt an inquiry into the details of the bill itself.

Mr. HOLLIS. Mr. President, nothing but good can come from such an inspiring and whole-souled address as that which has just been made to the Senate by the distinguished Senator from Iowa [Mr. CUMMINS]. I am glad to pay my tribute to his sincerity, his intelligence, and his loyalty. The Senator from Iowa is himself a man who fully measures up to presidential stature. His party has several times done worse than it would have done had it nominated him for President. I have myself voted with the Senator from Iowa time and again when a majority of my associates have voted against him. In certain matters I think he is without a peer in the United States. I think his

intelligence, his breadth of view, his judgment on railroad matters and on all matters that involve transportation are unequaled in this country.

The Senator from Iowa is consistently and earnestly opposed to what he considers presidential encroachment upon the prerogatives of Congress; but I can not help feeling that if he were President to-day, he would himself be asking for the very powers which are proposed to be given in this bill. I hope that, if that were the case, I should be able to rise above partisan feeling and, as a Democrat, vote to give him those powers. I should not fear to give to him every bit of authority that there is in this bill. I should not fear to give to him as President of the United States, conducting this war as Commander in Chief, every bit of authority that he might ask. I should vote to do it, because in war times we must trust men in high authority, and we must trust without measure and without stint the man who is in the highest authority of all.

The Senator from Iowa is jealous of the privileges and powers of the Senate, and it is proper that he should present his objections; nothing but good will come from his doing so. The bill may be improved by discussion on the floor of the Senate. That is what the Senate is for, to discuss great public questions; and it is useful to have a diversity of views expressed on the floor of the Senate.

I have been very much pleased as this discussion has gone along to see how little of partisanship has crept into it. Since the war began I have not made a partisan remark on the floor of the Senate. I find my partisanship slipping from me; I hope that it will continue so to do; and I wish to join the Senator in his whole-hearted invitation that we all get together in a spirit of patriotism and fight this war through to a successful conclusion.

I have heard no suggestion impugning the patriotism or loyalty of those who oppose this bill, particularly the Senator from Iowa. Such a suggestion from any source would be greeted with derision, as it should be.

We differ widely as to the power of the President in time of war. The Senator from Iowa says that if we pass this bill we are conferring upon the President of the United States the right to legislate. He says that to give to the President the right to transfer certain powers from one department of the Government to another department is giving the President the right to legislate. If that be true, and if such transference of the power to legislate were prohibited in peace times if conferred upon the President, I feel quite sure that conferring such power upon the Commander in Chief of the Army and Navy solely as that transfer relates to the conduct of the war is not conferring legislative authority, but is increasing the power and discretion and executive capacity of the Commander in Chief.

This bill has a very plain purpose. The purpose of the bill is to help win the war, and we are all for that; every Member of the Senate is for winning the war. This bill undertakes to help win the war by making the administration more efficient, by creating a more centralized authority, by creating authority that is more elastic and therefore more efficient. I believe we are all for that, but some of us are not for it if we believe that that increased power carries danger to the people of the United States. I do not think anyone here has such a love and veneration for the Constitution of the United States that he would shrink from giving the power even if he thought the Constitution might in some way be endangered during the conduct of the war. The test comes on the question whether it is wise to grant that great power to the President, for fear that he may misuse it.

The real reason for having this bill before the Senate is the investigation by the Senate Committee on Military Affairs. The movement began because of certain remarks which were made by the distinguished Senator who is the chairman of that committee [Mr. CHAMBERLAIN], and much good has come from the discussion which was started at that time. I do not myself agree altogether with the chairman of the committee in his conclusions and his statements, or with the other members of the committee who have honestly and intelligently discussed the conduct of the war; but I am free to say that much good has come from the discussion. The members of the committee did not content themselves with idle criticism. They said, "These are the facts, and here is the remedy"; and two bills were prepared, one creating a minister of munitions and the other creating what might be called a war cabinet.

It was stated, and I believe on the floor, that it was the purpose of those who prepared those bills to give to the President further authority for coordinating the war powers, in order that the war might be successfully prosecuted. I think the form of the suggestion came from the experience of England. England appeals to us, particularly at this time, and these suggestions



are somewhat following the English plan. I shall have something to say about that a little later. But for some reason, which I need not discuss here, the bill creating a war cabinet and the one creating a ministry of munitions have not been pressed for action, and I think they are likely not to be. I think this bill is considered in most quarters as a substitute for those bills.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for just a moment?

Mr. HOLLIS. I yield to the Senator.

Mr. CHAMBERLAIN. I do not think there was a disposition upon the part of any member of that committee to undertake to place an implement or weapon in the hands of the President that he was unwilling to receive; in other words, we want the President, who is Commander in Chief of the Army and Navy, to have something that he will at least be satisfied with, and we have not pressed the other measures while this bill has remained undisposed of.

Mr. HOLLIS. I thank the Senator for that statement. I did not feel that I had the authority to make it, but I am glad to know that that is the attitude of the members of the committee, and I fully believe it.

Those of us who were against this concentration of power, or perhaps not concentration of power but the transfer of power to a war cabinet and a ministry of munitions, are for some action to make the conduct of the war more efficient. Those who were for those bills may not be for this bill, but our toast now, Senators, should be, "Our President. More power to him." Why can we not all be for that? What is it that makes us so white? Some of the attacks that have been made on this bill remind me of the opening stanzas of Kipling's poem, "Danny Deever":

"What are the bugles blowin' for?" said Files on Parade.

"To turn you out, to turn you out," the Color Sergeant said.

"What makes you look so white, so white?" said Files on Parade.

"I'm dreadin' what I've got to watch," the Color Sergeant said.

Now, let us look at this bill and see what it does. It has not been analyzed to any great extent, although we have had a great deal of general talk about it. I desire to call attention to what I think it does. Section 1 merely allows the President to redistribute the functions of executive agencies, of which he is the head; that is, he can now tell John to do anything in James's department; he can tell James to do anything in John's department. Under section 1 that is all the authority that is given. I think it is the duty of every lawyer, constitutional or otherwise, to tell what he thinks the President can do without the law. I believe the President, as Commander in Chief, can do or perform all these executive functions without authority from Congress. I think he has been doing so right along. He has had very little criticism for it; Congress has not objected. It is the second section that arouses the opposition of Senators.

The second section makes the same provision in somewhat different words, but extends the authority to administrative as well as to executive agencies. To most of us "administrative" means about the same as "executive." "Administrative" may be much more inclusive; it undoubtedly is in this connection or it would not have been used; it includes not only the various executive functions of this Government but it includes other semijudicial functions, such as are in the Interstate Commerce Commission, the Civil Service Commission, and the Federal Reserve Board.

I do not believe in anyone turning white over this proposal. It must be that some one is afraid that the President is going to use these powers, and to go on and ask for others. None of us refuses to vote for a law establishing a criminal court that may impose the death penalty for fear some judge and jury is going to impose the death penalty on an innocent man. We are not obliged to look as far ahead as that. All we are to do is to see the situation that may arise needs a certain remedy in order that it may have a fortunate result, a just result; and we give to courts and we give to juries as much power as we think is necessary to carry out the ends of justice. Now and then some jury will make a mistake, some judge will be unnecessarily severe, but those of us who pass the law and put it in their power to be unjust are not responsible when they misuse it.

I notice that this bill has been greatly changed in the committee, because the committee has seen fit to limit the right to order John to do James's job to matters relating to the war. If it is not a matter relating to the war, then the President can not deal with it as Commander in Chief, and he is left to act as President precisely as he was before this bill was passed. I submit that section 1 contains absolutely no dynamite, no poison, no bear trap; no new power is conferred; no new commission is created; the President must use the same officers and the same routes. He can simply send an old officer over a different route.

To be specific, the real objection is that the President may interfere with the Interstate Commerce Commission, the Federal Reserve Board, or the Civil Service Commission. No one has yet raised his voice for the Civil Service Commission, but before we get through some one probably will.

Now, why should we waste our time over this? I think the bill gives the authority to interfere very seriously with the functions of these three administrative commissions. That must be conceded, and the only reason anyone can object to it is that he fears that the President may abuse this power. I believe the President could do these things without the authority under the bill, as I have stated; others do not believe it, and they have just as much right to their opinion as I have to mine.

Mr. SMITH of Georgia. Mr. President—

Mr. HOLLIS. I yield.

Mr. SMITH of Georgia. Does the Senator think that under the statute creating a Director of Railroads and giving the President the right to handle the railroads the President could transfer from the Interstate Commerce Commission the power which they now possess to hear appeals?

Mr. HOLLIS. To what power does the Senator refer?

Mr. SMITH of Georgia. The Interstate Commerce Commission is given authority, on a contest by any party in interest, to hear questions as to increase of rates and to hear questions as to discriminatory rates, and are required to pass upon them, and the action of the Interstate Commerce Commission is made final, even though it sets aside the original rate fixed by the director. The law goes further and provides that the Interstate Commerce Commission shall set aside a rate if it is discriminatory, or if, in their judgment, it is unreasonable. There is a certain change in the old law requiring the Interstate Commerce Commission to consider certain conditions incident to the fixing of rates, but if they find that a rate is discriminatory and unreasonable, they may set it aside, refuse the increase, refuse the change, and the judgement is made final.

Mr. HOLLIS. The Senator states a fair question. Under this bill the only instance in which the President could set aside the judgment of the Interstate Commerce Commission or remove their authority from that particular field would be so far as it affected the war. He would not undertake to do it unless he believed their present action was affecting adversely the conduct of the war. I assume that he would not do that under his oath and under this bill unless that were so. Now, I believe that if anything the Interstate Commerce Commission was doing was affecting the war disastrously or adversely, the President, without this bill, would have a right to suspend their functions or turn them over to some one else or exercise them himself. That is my opinion; the Senator from Georgia, however, does not believe that.

Mr. SMITH of Georgia. The Senator has frankly answered me. Of course, I utterly disagree with him. I think if the President undertook to transfer the powers of the Interstate Commerce Commission to the Director of Railroads, in view of the statute, it would be an impeachable offense and he ought to be impeached, war or peace.

Mr. HOLLIS. I have not the slightest idea that he intends to do it. I have no doubt in my own mind that he would not do it.

Mr. SMITH of Georgia. What I mean is this: He has no right to set up his opinion on that subject against the action of Congress, establishing by law the authority of the Interstate Commerce Commission.

Mr. HOLLIS. That is exactly where the distinguished Senator and I do not agree. It is the first duty of the Government to preserve the country and the Government. It is the first duty of the Commander in Chief to do everything that he himself thinks is necessary to win the war and to save the Government. The President of the United States would not think of doing it unless it were an extreme case. He would not think of doing it unless public opinion were back of him. But if he believed public opinion was back of him, and if he did it, and if he was right in thinking that public opinion was back of him, you would never hear of impeachment proceedings.

Mr. SMITH of Georgia. Mr. President—

Mr. HOLLIS. I yield.

Mr. SMITH of Georgia. Does not the Senator understand the Constitution even to go so far as to place upon Congress the duty to provide rules for the regulation and government of the Army? And when Congress does this as a constitutional authority and duty under the Constitution, is not the President obliged to obey those rules and regulations as Commander in Chief of the Army, and not as Commander in Chief of the country?

Mr. HOLLIS. The President is given express authority as Commander in Chief of the Army and Navy. He is given that authority for some purpose. It is because it is understood that

in times of emergency he must act quickly and effectively. In my judgment, it was intended to convey to the President under that authority the right, if necessary to preserve the country, to disregard the rules and regulations of Congress in that regard. I believe that firmly.

Mr. SMITH of Georgia. Will the Senator indicate anything in the Constitution that suspends the power of Congress to prescribe rules for the regulation and government of both the Army and the Navy, or that indicates that the President, by simply being named Commander in Chief of the Army and Navy, has any authority to set aside those rules and regulations?

Mr. HOLLIS. The greatest powers under the Constitution, the ones that have been most exercised for the benefit of the country, have been implied powers. I take it that the express authority to the President to act as Commander in Chief of the Army and Navy carries with it implied power to any extent necessary to defend the country in time of war, because it is expressly stated that the Constitution is promulgated to secure not only the general welfare but the defense of the country.

Mr. SMITH of Georgia. Mr. President, with the Senator's permission, I should like to read at this point the exact provisions of the Constitution on this subject:

The Congress shall have power \* \* \* to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

These provisions put the entire authority in Congress to make rules for the regulation and government of the Army and Navy. The President is simply Commander in Chief under the rules and regulations prescribed by Congress. If we give him broad authority without limitation through rules and regulations, that is for Congress to determine. As I have stated, I favor giving him the broadest authority; but it should not be left out of sight that the real power, the real constitutional authority, to prescribe how the war shall be conducted through rules and regulations controlling the Army and Navy, is with the legislative branch of the Government and not with the Executive.

Mr. LEWIS. Mr. President, will the Senator allow me to interrupt him?

Mr. HOLLIS. I yield.

Mr. LEWIS. May I invite the attention of the Senator from Georgia, in aid of the position that the Senator from New Hampshire has taken—in which I wholly concur, and which is stated with more clearness than that which I stated yesterday with rather a burden—to the observation of Von Holst touching the construction of the Constitution as to the matter of war with a foreign enemy? I took the liberty to say yesterday that in wars between ourselves there was one doctrine which was generally concurred in, but in war with a foreign enemy there was a form of distinction. I ask the Senator from New Hampshire if this does not justify his view? I read from section 48, on page 164:

The right "to declare war" belongs to Congress alone. Of course, the United States may get into a war without Congress having declared war. War is, in the first place, a state of fact, the appearance of which can not be made wholly dependent, by any constitutional provisions whatever, upon the pleasure of one of the nations concerned. As far as that is possible, however, Congress has the exclusive right of the initiative. If a foreign power begins war against the United States, then it is not only the right but the duty of the President to oppose the enemy with all the means placed at his disposal by the Constitution and the laws.

I thank the Senator for allowing the interruption.

Mr. HOLLIS. I thank the Senator. I do not expect that a majority of the Senate agrees with my view of the matter. It is my own and, so far as I entertain it, I am responsible for it. But knowing that there are others who entertain a different view of the President, knowing that there are others who think that he has already exceeded the powers that the Congress has seen fit to vouchsafe to him, I think this law should be passed so that there may be no doubt about his power.

Suppose the law is passed. Then, under section 2, the President will have the command and control of the Interstate Commerce Commission and the Federal Reserve Board that I think he has anyway. Now, what is it that anyone really fears that he will do? Assume that in taking over the ships the President wanted a fair valuation put upon them. What possible harm is there in his putting to that task the board of physical valuation in the Interstate Commerce Commission? Our friends say he could not do it now without this authority; but why should he not do it if he wants to?

If the President should find that the Interstate Commerce Commission is disloyal and not acting as it should, why might he not take from the Interstate Commerce Commission certain

functions that it has now and put them in some court or some other tribunal? Why should he do it if the Interstate Commerce Commission is doing its work properly? If I believed, however, that he would take any of these powers away from the Interstate Commerce Commission and transfer them to other bodies, except under the most urgent necessity, I would not believe in giving him the authority.

In my judgment, the one section of the bill that is vital and necessary is section 3. This section permits the President to use money appropriated for one department through another department for the purpose specified in the appropriation act.

For illustration, take the purchase of steel. Steel is needed in the War Department, in the Navy Department, in the Shipping Board, in the Aviation Board, in the Lighthouse Service, and in many other departments. Why can we not and why should we not, for the purposes of efficiency in the war and to establish priorities, apply all the money to be spent for steel through the War Industries Board, for example? There is grave doubt whether this can be done without further legislation. Congress certainly has to raise the money to conduct the war. Congress has to make the appropriations to conduct the war; and I believe that without doing tremendous violence to the ideas and the habits and the precedents of the United States Government, the President has no right to take money appropriated for the use of one department and order that money to be spent through another department, even for the very purpose for which it was appropriated.

What is the objection? Why not permit him? I do not know of anyone who does seriously object. I have not heard anyone state an objection to having that done. If anyone does object to it, he is beyond argument, and we must expect to get along without his vote.

I stated this morning that I had been more interested in labor problems than anything else since I have been in public life, and I wish to illustrate the difficulties of prosecuting the present labor program that the President has decided upon in order to get rid of our labor difficulties.

Every department has its labor problems. Every department has to employ labor. They are met with scarcity of labor; they have the problem of educating or training labor in some departments; they must adjust grievances and strikes; they must attend to housing in some departments; they must look after sanitation and safety; and each department up to now has been bidding against every other department for labor. The complaint is made that one department is hiring labor away from another by giving increased wages.

About the 1st of January, after six months' discussion, the President decided to put the labor problems for all departments under the Secretary of Labor; that is, he created a labor-service program, to be administered by the Secretary of Labor. Most of us agree that this was wise and that the President had executive authority to do it. To clear away any doubts, this bill should be passed, and the reason why I mentioned the labor part of it is not because that is the only part this bill will help, but because it is the one part with which I happen to be familiar.

Assume that the President had decided on the 1st of January that he had no right to place the entire labor service under the Department of Labor, and he had to come to Congress for a special act to authorize it. Can anyone guess who would have held it up and questioned its expediency? Can anyone guess how long action would have been delayed before the bill could have been passed? Can anyone estimate what limitations would have been placed on the discretion of the Secretary of Labor? Can anyone suggest who would have offered amendments to limit his power?

On the 11th of April, yesterday, the Senate, as I think, deliberately voted to make peaceful strikes in war time a criminal offense, punishable by 30 years' imprisonment, thereby seriously endangering, in my opinion, the labor program that has been built up with such care under the advice of ex-President Taft and conservative business men. The men who voted for this dangerous piece of legislation yesterday, and who to-day voted in effect not to reconsider that action, embraced practically all the men who oppose this Overman bill. There are some others, but they certainly embraced all those who oppose the Overman bill.

The Secretary of Labor appointed an advisory council to outline a comprehensive plan for labor service. They outlined the plan very promptly.

First. They provided that the securing of labor should be put under a Director of Employment Service. This director is now establishing employment agencies and securing laboring men all over the country.

Second. The matter of education and training is put under an Inquiry Division.



Third. There is a Director of Conciliation and Mediation, who handles grievances and strikes.

Fourth. There is a Housing Director, to build houses for the Shipping Board, the Army and Navy, the Aircraft Board, and the District of Columbia.

Fifth. There is a Sanitation Division.

Sixth. There is a Safety Division.

All of these activities require money for salaries, supplies, expenses, and materials. The housing proposition requires millions. Estimates were duly submitted to Congress for appropriations for the various divisions. Two months have elapsed and no appropriations have been made. Some of the divisions have not even started, for lack of funds. The Shipping Board has an appropriation of \$50,000,000 available for housing, but that money can not be spent by the Secretary of Labor until we pass this bill. That is one illustration which shows why the passage of this bill is necessary. That is, here is money that has been appropriated for building houses for labor in connection with the Shipping Board; the President has seen fit to put all the housing program under the direction of one bureau in order to have consistency and regularity and economy; but because the appropriation to be spent in the Department of Labor has not come through that program is held up. It would not be surprising if some of those who are opposing this bill on the ground that it is not necessary were somewhat responsible for the failure to pass the appropriations that are necessary to make this program effective.

Mr. REED. Mr. President—

The PRESIDING OFFICER (Mr. New in the chair). Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. HOLLIS. I do.

Mr. REED. Will the Senator tell us where that appropriation bill now is?

Mr. HOLLIS. I do not know where it now is.

Mr. REED. It has not reached the Senate, has it?

Mr. HOLLIS. I think not.

Mr. REED. Then how could anybody here be responsible for its delay?

Mr. HOLLIS. I did not say anybody here was responsible for it.

The votes of these men may well wreck the comprehensive war labor program of the administration. If we should pass this bill, the Secretary of Labor could at once begin to house the workmen in all the different departments.

It is my deliberate judgment that section 3 is the only section of the bill that the President really needs. The only new authorization in the bill is to spend money appropriated for one department through another department, but even this is hedged about. The money must be spent for the sole purpose for which it was originally appropriated. All the rest of the bill is full of limitations and restrictions, full of distrust and lack of confidence in the President. He can not abolish any bureau. I understood the Senator from Iowa [Mr. CUMMINS] to say that he might abolish a bureau; but under the bill as amended he can not abolish any bureau without coming to Congress for express authority to do so. He must put his order in writing and make it a public record.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. HOLLIS. I yield to the Senator.

Mr. WADSWORTH. Will the Senator give us his impression of the powers to be conferred upon the President by this bill with respect to the Government Printing Office? Let me remind him that, according to my understanding, a joint committee of the Congress in effect governs the major operations of the Government Printing Office, lets contracts for the purchase of paper, and provides for its general management. Would the President, under this bill, be authorized to take away the management of the Government Printing Office from the present set of officials and put it elsewhere, and thereby deprive the Congress of jurisdiction?

Mr. HOLLIS. If anything being done by the Government Printing Office were being done in such a way as to affect the war adversely, then I believe under this bill the President could take it away from the control of the joint committee of Congress. He would not do it unless there was something very bad; and if there was anything very bad the Senator would want him to do it, as I should want him to do it.

Mr. WADSWORTH. The Senator from New York simply desired to understand the idea of the Senator from New Hampshire as to the scope of the bill.

Mr. HOLLIS. I think so. I think this bill gives him complete control of a matter of that kind so far as it relates to the war;

but if it does not relate to the war—and I admit that the President is to be the judge of whether it does or not; I think he is—if it does not relate to the war, then he could not act.

Mr. CUMMINS. Mr. President—

Mr. HOLLIS. I yield to the Senator from Iowa.

Mr. CUMMINS. I do not think there can be very much room for difference of opinion between the Senator from New Hampshire and myself about what can be done under the bill. Possibly we do not use the terms with exactly the same meaning. I ask him, for instance, suppose the President should issue an order after the passage of this bill saying simply, "I hereby transfer the powers and duties of the Bureau of Pensions to the Commissioner of the General Land Office." What would become of the Bureau of Pensions?

Mr. HOLLIS. I do not see how he could do that, because that could not possibly relate to the conduct of the war. The Senator might state something else.

Mr. CUMMINS. I had not that thought in my mind.

Mr. HOLLIS. The Senator is referring to the question of abolishing bureaus?

Mr. CUMMINS. Yes.

Mr. HOLLIS. I think under the bill that would be considered abolishing, and I suppose that is what the committee had in mind when they inserted an amendment to the effect that bureaus could not be abolished without getting express authority from the Congress.

As I started to say, under this bill, which gives such tremendous power, the President must put his order in writing and make it a public record. He can exercise his authority only in matters touching the war. He can not create any new offices. He must work with the tools already created.

I wish before closing to refer somewhat to the conduct of the war by England. I think I may fairly say, what I said a few moments ago, that the idea of a minister of munitions and a war cabinet came from the English experience.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. HOLLIS. I yield.

Mr. CHAMBERLAIN. Not only from the English experience, but also from the French experience.

Mr. HOLLIS. Yes.

Mr. WADSWORTH. And the Canadian experience.

Mr. HOLLIS. At the time the Senator from Oregon made his speech which opened up the question of this additional authority I wondered if we were doing things so much worse than they did them in England and in France. I began to look over English periodicals and magazines, and I was not much surprised to find savage criticisms by Englishmen of all English activities in connection with the war—not criticisms years ago or months ago, but current criticisms this past winter. Nothing was right in England. The Navy was inefficient and badly officered; the Army was badly handled; the financial policy was all wrong; the revenue acts were unjust and unscientific; the shipping production was in a bad way; the aircraft program was a failure.

I had to look twice at the magazines I held in my hand to make sure that I was not reading magazines printed in this country. Every criticism that has been made of our conduct of the war by Americans has been made in England by Englishmen concerning their conduct of the war. But there was the highest admiration in all these English periodicals for the way the Americans were doing their part; and the American efficiency was credited to the superior form of the American Government, the concentration of power in one man instead of dividing it among several, as in the English system.

I take the liberty of reading some extracts from the Fortnightly Review of December, 1917, which was the latest magazine available at the time this discussion arose in January. I read from page 845:

The cabinets of all the European democracies have been fashioned upon the model of the United Kingdom. The British Cabinet resolves and acts collectively. It acts nominally by unanimous decision, but in reality by majority vote. The prime minister can not command, as does the German Emperor, but can merely suggest, propose, entreat, urge. He is merely *primus inter pares* within the cabinet. The whole cabinet acts with solidarity. A determined opponent within the cabinet can delay or prevent necessary action by his opposition. The cabinet can at any moment be dismissed by an adverse vote of the legislature. The tenure of office of the cabinet minister is precarious. His power may at any moment be taken away by a sudden mood of the legislature or of the people. A democracy constituted on the English model is ruled not by the intelligence of one man or of the few but by the incalculable changes of that vague power called public opinion. Cabinet ministers in England and in the democracies based on the English model are amateurs, not experienced administrators, and as their position is exceedingly precarious, because a single unfavorable vote may be fatal to them, the great characteristics of such democracies are two—amateurishness and timorousness. Such governments can rarely act with foresight and rapidity. They habitually act with exasperating slowness and clumsiness, because their very constitution is unfavorable to efficiency and dispatch.

In the extracts from Mr. Lloyd-George's speech given in the foregoing we read:

"We have all talked about it. We have passed endless resolutions resolving it. But it has never yet been achieved. In this important matter we have never passed from rhetoric into reality, from speech into strategy."

To whom does Mr. Lloyd-George refer by saying "We have done so-and-so"? He speaks, evidently, not of the generals commanding the allied armies, but of the various governing boards of amateur politicians, of the various cabinets who could never arrive at perfect unity and cooperation in military action. A number of principals of important businesses can fairly easily agree on joint action. However, the cabinet ministers of various nations are not principals, but are merely agents who are responsible to the legislature in the first place and to the people in the second, who can be dismissed by their principals without notice, and who, worst of all, are ignorant of war. Perfect military cooperation can obviously be obtained only either if the direction of military affairs is left completely in the hands of military experts, who will probably fairly easily agree on a joint plan of campaign, or, if the executive power of the fighting democracies is put in the hands of a single eminent man, who not necessarily need be a soldier but who should be guided by the opinions of the best military experts around him. The attempt to obtain perfect military cooperation by the joint discussions of a number of boards composed of politicians who are amateurs in everything except in the facile art of making speeches is bound to fail and to lead to misunderstandings, confusion, endless discussion, belated half measures, and disaster.

The present war has often been described as a war between absolutism and democracy. It would be more correct to call it a war between tyranny and liberty. Democracy is a form of self-government, under which England has evolved the jointly responsible cabinet composed of amateur politicians. But since change is the essence of progress, it should not be thought that cabinet government is the highest perfection of popular government, that democratic government is impossible without a jointly responsible cabinet.

The essence of democratic government as evolved in England and in those European States which have followed England's example is, as has previously been shown, amateurishness and timorousness. The amateurishness and timorousness of the European democracies have been exhibited, not only in warfare where the experts have often been overruled by the governing political boards, but in internal politics as well. As in democracies the people rule through their representatives, as public opinion is all-powerful, it has become a guiding principle of democracy that the expression of opinions is free and is sacrosanct. That principle may do little harm in time of peace, but in time of war it may destroy a nation. Treason has been preached with impunity in England, France, Italy, and democratic Russia, and Germany has naturally taken advantage of this folly and has systematically endeavored to poison the fountains of public opinion in the fighting democracies to the confusion of her enemies. In France, England, Italy, and democratic Russia treason has been preached on Germany's account, and it has been tolerated because of the sanctity of free speech. Seditious writings and speeches have not led to prosecution and punishment, except when it was discovered that the preachers of sedition were in Germany's pay. Now the Bolos and the Almeydas of France, England, Russia, and Italy are as harmful if they act bona fide as if they are bought with German gold. In the European democracies treason seems to be punishable only if it goes hand in hand with corruption. The Germans have destroyed the Russian armies, not in fair fight but by the poison of corruption and subsidized treason, and they have applied the same means apparently to Italy.

The timorousness of the governing boards of politicians who direct the European democracies is apparent not only in the toleration of treason in England, France, Italy, and Russia, and in the direction of military affairs, but it is apparent in every department of governmental action. For years the problem of retaliation, the question of the blockade, the increase of agricultural production, economic policy against Germany, the settlement of Ireland, the treatment of neutrals, the handling of the conscientious objectors, and many other questions which call for immediate and energetic action have been discussed, and the vacillating, timorous, and inept governing boards have talked and adopted half measures, obviously because a directing board of politicians have many minds but not a single mind, many wills but not a single will.

It would be wrong to believe that inefficiency, amateurishness, timorousness, and delay are inseparable from the democratic form of government. To believe this would be to despair of popular rule. In the United States the executive power rests, not in the hands of a cabinet of jointly responsible politicians who can be dismissed at will by the legislature, who are constantly watching every breath of public opinion, but it is placed in the hands of a single man, the President, who is elected for a term of four years and who is advised by what is called the Cabinet, a number of men whom he selects, who not necessarily need be politicians, who are not responsible to the legislature, and who are not the President's equals but are his subordinates. The fathers of the great American Republic discussed exhaustively the question whether the executive power should be placed in the hands of one man or of a number, and they came to the conclusion that the safety of the State demanded that the executive [power] should be in the hands of a single man, particularly in case of war. We read in the Federalist, in which the opinions of Alexander Hamilton and the other great founders of the American Commonwealth were laid down—

Quoting from the Federalist, and I invite the attention of the admirers of Alexander Hamilton:

Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy. Every man the least conversant in Roman history knows how often that Republic was obliged to take refuge in the absolute power of a single man under the formidable title of dictator.

There can be no need, however, to multiply arguments or examples on this head. A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution; and a government ill executed, whatever it may be in theory, must be in practice a bad government.

The ingredients which constitute energy in the executive are, first, unity; secondly, duration; thirdly, an adequate provision for its support; fourthly, competent powers.

Those politicians and statesmen who have been the most celebrated for the soundness of their principles and for the justice of their views have declared in favor of a single executive and a numerous legislature. They have, with great propriety, considered energy as the most necessary qualification of the former, and have regarded this as most applicable to power in a single hand, while they have, with equal propriety, considered the latter as best adapted to deliberation and wisdom and best calculated to conciliate the confidence of the people and to secure their privileges and interests.

That unity is conducive to energy will not be disputed. Decision, activity, secrecy, and dispatch will generally characterize the proceedings of one man in a much more eminent degree than the proceedings of any great number; and in proportion as the number is increased these qualities will be diminished.

But no favorable circumstances palliate or atone for the disadvantages of dissension in the executive department. Here they are pure and unmixed. There is no point at which they cease to operate. They serve to embarrass and weaken the execution of the plan or measure to which they relate from the first step to the final conclusion of it. They constantly counteract those qualities in the Executive which are the most necessary ingredients in its composition—vigor and expedition—and this without any counterbalancing good. In the conduct of war, in which the energy of the Executive is the bulwark of the national security, everything would be apprehended from its plurality.

Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength and the power of directing and employing the common strength forms a usual and essential part in the definition of the Executive authority.

Many of the most eminent American statesmen have considered a one-man executive essential, especially in time of war. That great and wise man, President Lincoln, wrote in his message to Congress on December 3, 1861:

"It has been said that one bad general is better than two good ones, and the saying is true if taken to mean no more than that an army is better directed by a single mind, though inferior, than by two superior ones at variance and cross purposes with each other.

"And the same is true in all joint operations wherein those engaged can have none but a common end in view and can differ only as to the choice of means. In a storm at sea no one on board can wish the ship to sink, and yet not infrequently all go down together, because too many will direct and no single mind can be allowed to control."

War is a highly technical matter which requires expert direction and a perfect national organization, the more so as the present struggle is not merely one between armies but one between nations. It is bad enough if in the present fight amateurs in government and strategy are pitted against the best professionals. But it is still worse if the direction amateurs have to rely on a clumsy and unworkable organization. Many businesses possess amateur boards of directors, comparable with cabinets, but the real managements of affairs is, of course, left in the hands of a managing director, who is an eminent practical expert. No business could be run on the principle on which Great Britain and the other European democracies are governed. An organization which is totally impracticable in the case of business, where merely some money is at stake, an organization which would ruin the most flourishing business in a short time, is surely dangerous and inadvisable in the case of a nation at war.

I now conclude and I am reading from the work of an Englishman in an English magazine about the English Government, comparing the English Government with the American. He says:

The world has been amazed at the energy and ability with which President Wilson is organizing the United States for war. He is able to act thoroughly and quickly because he controls the American executive. If America was cursed with a many-headed executive, we should see the same feebleness, hesitation, timorousness, and interminable delays, and the same toleration of treason, which have done such infinite harm to the European democracies organized upon the British model.

The present war has disclosed the fact that a democracy is not successful in war; that a board of amateur politicians acting collectively is bound to be inefficient, improvident, and slow in action, and that the cooperation of the various political boards representing the allied States is almost impossible. The present system should be changed before it is too late. The politicians must surely recognize their personal incompetence and the unwieldiness of the organization of the national executive. They should therefore entrust the conduct of the war to a single man and confine their activities to creating the necessary discipline and obedience, to keeping the nation together. They should subordinate themselves to the directing head. There should be a single director of national affairs for the duration of the war. The question is whether national direction had better be intrusted to an eminent politician-statesman, or to an eminent organizer and man of affairs, or to a general or admiral of paramount ability and energy. It is to be hoped that the necessary innovation will first be made in England; that England will show once more the way to the other European democracies. The simplest way of achieving unity and rapidity in the executive would be to make the Prime Minister solely responsible for the conduct of the war and the national administration, making the other ministers his subordinates. The position of the Prime Minister would then approximate to that of the President of the United States. The tenets of democracy would surely not be violated by adapting the organization of the United States to European needs. With a simple and common-sense organization international cooperation against Germany would be easier than it has been hitherto.

Mr. SMITH of Georgia. Will the Senator tell us from what he has been reading?

Mr. HOLLIS. From the December, 1917, Fortnightly Review. Mr. SMITH of Georgia. That was before the achievement of our Aircraft Board was made public?

Mr. HOLLIS. Yes. Mr. WADSWORTH. I did not hear the date. Will the Senator give it?

Mr. HOLLIS. December, 1917; last December. It was the latest available one in January, when the storm burst over the investigation of the Senate Military Committee.



Mr. WADSWORTH. Then the observations of the Senator do not relate to our progress in the war.

Mr. HOLLIS. No; it shows that he was talking about what he knew at home, just as we are talking about what we know at home. It may be that his opinion of the value of American institutions is no more valuable than our opinion of English institutions. I merely cite it as showing that the same criticism comes up in every country in every war.

Mr. GORE. I ask the Senator if the English statute still permits the use of scurrilous and abusive language in speaking of their form of government?

Mr. HOLLIS. I am not able to state.

At about the time the investigations of the Senate Military Affairs Committee were first made public I attended a dinner in Washington and heard a speech delivered by Col. Josiah Wedgewood, a colonel in the British Army, who had been wounded in the war and who was in this country. Col. Wedgewood made this statement: He said the only thing which keeps the British labor loyal to this war is its faith in President Wilson; that the greatest asset England has in the United States—greater than money, supplies, or troops—is President Wilson. It is too much to ask of the Members of the United States Senate the same faith in Woodrow Wilson that Col. Wedgewood and the English workingmen feel, but if we can not all trust in him implicitly let us at least grant him such powers as are obviously necessary to help him win the war, and let us do it in a spirit that will not impair, at least, the confidence placed in him by our brothers in arms across the seas.

Mr. CUMMINS. Mr. President—

Mr. HOLLIS. I yield to the Senator from Iowa.

Mr. CUMMINS. The Senator from New Hampshire does not understand that from anything I said I dispute the statement he last made?

Mr. HOLLIS. Oh, I do not; and at the beginning of my remarks—

Mr. CUMMINS. I am in entire accord with any praise of the President on account of his attitude in that respect.

Mr. HOLLIS. I thought I fully acquitted the Senator.

Mr. CUMMINS. But what the Senator from New Hampshire read from the *Fortnightly Review* was, of course, printed and disseminated about the power which the President has by virtue of his office, and I am not only willing that he shall exercise all that, but I am willing to give him a great deal more. I only want to know what I am giving him when I am giving it.

Mr. REED. I send to the desk five amendments to the pending bill, and ask that they may be printed and lie on the table.

The PRESIDING OFFICER. The amendments will be received, printed, and lie on the table.

Mr. KIRBY obtained the floor.

Mr. GORE. I ask the Senator from Arkansas if he will allow me to submit the report of the committee of conference on the Agricultural appropriation bill, and I should like to ask unanimous consent for its present consideration. The Senator realizes that there is some need for haste.

Mr. KIRBY. I do not want to delay that measure, but I do not think the bill under discussion ought to be sidetracked for anything. However, I yield to the Senator.

Mr. GORE. I am very much obliged to the Senator from Arkansas.

I send to the desk the conference report on the Agricultural appropriation bill, and I ask unanimous consent for its present consideration. I will state that if it requires any protracted debate or leads to it I will not insist on proceeding with it.

Mr. KIRBY. I will ask the Senator if it is likely to lead to protracted discussion?

Mr. GORE. I do not think it will. I think a brief statement will obviate any discussion. I have spoken to the Senator in charge of the unfinished business in respect to the matter.

Mr. KIRBY. Very well.

Mr. GORE. The Senator realizes that it is a matter of great haste and urgency that is be passed.

Mr. KIRBY. I yield the floor.

Mr. GORE. I am very much obliged to the Senator.

#### AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. GORE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 24, 25, 33, 34, 37, 39, 40, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28, 29, 30, 35, 36, 42, and 43, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert the following: "\$500,000: *Provided, however,* That in carrying out the purpose of this appropriation, if in the opinion of the Secretary of Agriculture, it shall be necessary to destroy tuberculous animals and to compensate owners for loss thereof, he may, in his discretion, expend in the city of Washington or elsewhere out of the moneys of this appropriation, such sums as he shall determine to be necessary for the reimbursement of owners of animals so destroyed, in cooperation with such States, counties, or municipalities, as shall by law or by suitable action in keeping with its authority in the matter, and by rules and regulations adopted and enforced in pursuance thereof, provide inspection of tuberculous animals and for compensation to owners of animals so destroyed, but no part of the money hereby appropriated shall be used in compensating owners of such animals except in cooperation with and supplementary to payments to be made by State, county, or municipality where destruction of such animals shall take place; nor shall any payment be made hereunder as compensation for or on account of any such animal destroyed if at the time of inspection or test of such animal or at the time of destruction thereof, it shall belong to or be upon the premises of any person, firm, or corporation, to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further,* That out of the money hereby appropriated, no payment as compensation for any tuberculous animal destroyed shall exceed one-third of the difference between the appraised value of such animal and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, county, or municipality, where the animal shall be destroyed; and that in no case shall any payment hereunder be more than \$25 for any grade animal or more than \$50 for any pure-bred animal, and no payment shall be made unless the owner has complied with all lawful quarantine regulations: *And provided further,* That the act approved May 29, 1884 (23 Stats. L., p. 31), be, and the same is hereby, amended to permit cattle which have reacted to the tuberculin test to be shipped, transported, or moved from one State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, for immediate slaughter, in accordance with such rules and regulations as shall be prescribed by the Secretary of Agriculture: *And provided further,* That the Secretary of Agriculture may, in his discretion, and under such rules and regulations as he may prescribe permit cattle which have been shipped for breeding or feeding purposes from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, and which have reacted to the tuberculin test subsequent to such shipment, to be reshipped in interstate commerce to the original owner"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert: "*Provided also,* That \$150,000 shall be set aside for the destruction of vegetation from which such rust spores originate"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Restore the matter stricken out by the Senate amendment with an amendment as follows: In line 8 omit the words "in the Forest Service"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: At the end of said amendment insert the following: "*Provided further,* That nothing herein shall be construed as limiting the authority of the Secretary of Agriculture over and respecting the supervision of the operation of the said Georgia Experiment Station as set forth in said acts of Congress"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 7 of said amendment after the word "reasonable" insert: "and as nearly as may be to cover the cost"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of "\$25,892,653" insert "\$25,856,753"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Strike out the word "hereafter" in said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert the following: "To enable the Secretary of Agriculture to cooperate with individuals, firms, or corporations, owning or operating plants for drying or dehydration of vegetables, fruits, and other perishable edible products, to determine the best means and processes of dehydration and to disseminate information as to the value and suitability of such products for human food, \$250,000, which sum shall be immediately available: *Provided*, That the Secretary of Agriculture is hereby authorized, if the President shall determine it to be necessary, to use all or any part of this appropriation for the establishment and operation of a plant or plants for the dehydration of vegetables, fruits, and other perishable edible products in any place or places in the United States for the purpose of supplying food for the Army and Navy, and the money received from the operation of any such plant or plants shall constitute a revolving fund until June 30, 1919"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the Senate amendment insert "\$27,875,353"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 44.

T. P. GORE,  
E. D. SMITH,  
HOKE SMITH,  
G. W. NORRIS,

*Managers on the part of the Senate.*

A. F. LEVER,  
GORDON LEE,  
E. S. CANDLER,  
G. N. HAUGEN,  
J. C. McLAUGHLIN,

*Managers on the part of the House.*

Mr. GORE. I move that the Senate adopt the report so far as the conferees have reached an agreement and insist upon amendment numbered 44, which is the wheat amendment.

Mr. NELSON. That is the wheat amendment?

Mr. GORE. Yes; it is the wheat proposition. We did not reach an agreement on that amendment.

Mr. NELSON. Did the conferees agree on the potato-grading amendment?

Mr. GORE. Yes, sir. The Senate conferees receded on that amendment.

Mr. THOMPSON. May I ask the Senator from Oklahoma a question? I did not understand what was done with what is commonly known as the Gore amendment fixing the price of wheat at \$2.50.

Mr. GORE. The conferees of the two Houses were not able to agree on that amendment. I have embodied in my motion a proposition that the Senate continue to insist upon that amendment. Everything else has been adjusted.

Mr. REED. Mr. President, I wish to inquire about the provision agreed to in the Senate which provided in substance that there should be no regulation or governmental inspection of potatoes.

Mr. GORE. The Senate conferees receded on that.

Mr. REED. I ask the Senator whether I am correct in my recollection that there was no law providing for inspection?

Mr. GORE. No, sir; I think not.

Mr. REED. And somebody undertook to set up an inspection. The Senate undertook to stop the use of that arbitrary and useless power, and you have receded from that action of the Senate?

Mr. GORE. The Senate conferees did recede from the amendment referred to.

Mr. REED. What reason is there to recede from an assertion or a protest, for it may be so regarded, by a legislative provision against unauthorized action?

Mr. GORE. I may say that it is the ancient reason which characterizes every conference between two Houses. The House conferees would not accept that amendment. I may say, in addition to that, however, that telegrams came to the conferees from various parts of the country urging that the Senate should recede from this amendment.

Mr. REED. From whom did they come?

Mr. GORE. I think, as a rule, from dealers in potatoes. I may say, however, in addition to that, the growers were here from the State of Michigan; that this amendment was offered

by the senior Senator from Michigan [Mr. SMITH]; and that the conferees were practically assured that an arrangement had been reached which would give satisfaction alike to the growers and to those who insisted upon the right.

Mr. REED. By whom was the arrangement made?

Mr. GORE. The House conferee, Mr. McLAUGHLIN of Michigan, had the matter up with those in charge of the grading activities of the department. I do not know whether it was the Department of Agriculture or the Food Administration. Mr. McLAUGHLIN was very insistent that the Senate amendment should be retained, but his conferees would not agree with him. They would not accept the amendment, but we were given assurances that an adjustment was in prospect which would be satisfactory.

Mr. REED. An adjustment between whom?

Mr. GORE. That those who have in charge the grading and superintend the grading had virtually consented to modify the rules and regulations so as to meet the complaints of the potato growers in Michigan. I think the complaint came from that quarter. I may say this was the point of difference. The rules and regulations which had been adopted classified as No. 1 all potatoes in excess of 1½ inches in diameter. The growers insisted that that should be reduced by an eighth of an inch so that potatoes in excess of 1½ inches in diameter, round potatoes, should be classified as No. 1. We were given assurance that that had practically been effected.

Mr. REED. But what I am trying to get at is this: Who set up these regulations in the first place?

Mr. GORE. I understand that it was done by the Department of Agriculture in conjunction with the Food Administration. I think the matter has been under consideration for some time.

Mr. REED. But by what authority?

Mr. GORE. I do not believe there is any authority.

Mr. REED. Now, let us start with the assumption that there is no authority. There being no authority, the gentleman who undertook to usurp the authority proceeds to make an agreement with some potato grower or growers, and having reached an agreement with that individual that fact is brought to the Congress of the United States and the conferees thereupon recede from a provision put in the bill by the Senate which prohibits the expenditure of any money for the doing of any illegal act. So by implication, as it is now left, the money we are about to appropriate may be used by the gentlemen who are seeking to usurp authority for an illegal purpose, because an agreement was reached between the usurper and some individual.

Mr. President, I protest against that sort of thing. The day has pretty nearly come when the Government of the United States ought to insist that no man shall spend any of the money of the people in doing an unauthorized act.

Mr. GORE. Mr. President, I may say that a hearing was had in behalf of the department and in behalf of the growers before the House conferees. The Senate conferees declined to attend the hearing because the matter was in conference and we felt committed by the Senate action. But, of course, the Senate conferees were not sovereign in the premises. The House conferees manifested every indisposition to recede. Of course, we had no infallible way of telling whether they would ultimately recede or not, but judging by all the signs and facts and circumstances we had available the Senate conferees were forced to the conclusion that the House conferees would not recede from their objection to the amendment. Of course, the Senator realizes that there was another amendment respecting which time was of the highest importance. Whether that had too much influence with the Senate conferees of course I am not able to say; but we were anxious to bring in a report and speed the consideration of the measure.

Mr. REED. But you have not brought in a report of an agreement. The matter that is pending and is of the highest importance is still in abeyance.

Mr. GORE. We were not able to agree on that amendment. I do not know how far I can go within parliamentary limits in describing what happened; but the chairman of the House Committee on Agriculture, I may say, was also chairman of the House conferees, and he had given assurance to the other body that he would bring that amendment back for a separate vote, so that it really was never in conference, as a matter of fact. As the House had asked for the conference and the Senate had granted the conference, of course the papers were in the hands of the Senate conferees and we had to pursue this course in order to return the papers to the House that they may have a vote upon the wheat amendment.

Mr. REED. But we do not have to agree to this report as far as it is presented here in order that the House may take the action referred to. If we refuse to agree to this conference



report as far as it makes an agreement, is there any doubt in the world that the House can then proceed to take a separate vote?

Mr. GORE. I assume this could be done, that the report be adopted as to the potato amendment.

Mr. SWANSON. The report must be adopted or rejected as a whole.

Mr. GORE. I believe that is the rule of the Senate. Then under the rule of the Senate we shall have to act on the conference report as a whole.

Mr. REED. The report does not come in here as a whole. It is a partial report.

Mr. GORE. That is the only way it could be done. The chairman of the House conferees gave the House assurance that he would bring the wheat amendment back for a vote. I suppose for a hundred years he would not agree; I think he would have been content to have had the bill remain in conference until the dog days come. But the Senate conferees were not willing to do that. We had an apprehension, I should say, rather than a suspicion, that some people were perfectly willing to mark time, and under the circumstances we did not feel justified in doing that.

Mr. SWANSON. If the Senator will permit me, if this report is adopted it goes to the House, and if the House recedes from its disagreement to the Senate amendment which is still in conference, that will pass the bill and the matter ends. If this report is rejected the bill goes back to conference for an entire agreement on all matters.

Mr. GORE. Yes, sir.

Mr. SWANSON. I should like to say a few words in connection with this potato-grading matter. I presume Virginia grows as many potatoes as does almost any other State in the Union. The grading has been carried on largely at the request of the growers. Their desire to have their potatoes officially graded grew out of the circumstances that in many instances when they have shipped their potatoes to the commission merchants in the cities they had no proof as to whether their potatoes were really graded in the first grade, the second grade, or the third grade, and many of them were swindled. If an official grading is provided the growers would have assurance as to whether the potatoes which they send to market are correctly graded.

I have received numerous telegrams from Virginia potato growers who are anxious that the grading of potatoes shall not be entirely eliminated, because in that event they would be remitted to the condition in which they have been heretofore and would be completely at the mercy of the commission merchants, who sometimes notify the growers who ship them potatoes that their potatoes were of the third grade or the fourth grade, and make their returns accordingly, when, as a matter of fact, the farmers should have received returns on a higher grading. When the potatoes are graded properly, of course, much better results are obtained, and there is greater satisfaction. Under a proper system of grading the growers can be paid for the potatoes according to their real grade. The same thing is true of cotton and of other commodities produced on the farm. The grading has largely been done at the request and for the benefit of the growers. Of course, very frequently the grading is unjustly done unless it is properly supervised; and the results are severe on the growers.

As I have stated, I have received a number of telegrams from Virginia, and I think my colleague, the senior Senator from Virginia [Mr. MARTIN], has likewise received similar telegrams protesting against the elimination of grading.

Mr. PAGE. I should like to ask the Senator from Virginia a question. Does the Senator understand that there is any demand from the great potato-growing sections of the Northeast, Maine, New Hampshire, and Vermont, that there should be any such classification as has been established?

Mr. SWANSON. I have not heard from any section except Virginia. In that State there are two counties, Accomac and Northampton, which are the largest growers of potatoes in the country; and I understand that they are opposed to the entire elimination of grading.

Mr. MARTIN. Mr. President, I have received a telegram, and laid it before the conference committee; and I think the action taken by the conferees will meet with the approval of the potato growers of Virginia.

Mr. SWANSON. I also presented a telegram to the conferees. The trouble in this matter is that farmers send their potatoes to the market when they are graded, but they have been swindled by the returns being made on the basis that their potatoes were third grade when they were really of the second or first grade. Consequently they are desirous of having some means of ascertaining when they ship their potatoes to market that they are to be paid according to the proper grades.

Mr. PAGE. Mr. President, I ask the chairman of the committee, is this demand purely local? Does it come from Virginia, and Virginia only?

Mr. GORE. I think that the telegrams came in from other States. I have several on the subject, quite a number of them.

Mr. PAGE. I have had no communication from New England on the subject, so far as that is concerned.

Mr. SWANSON. The potato growers of Virginia have not asked for a change of the law, as I understand it; all they ask is that the law remain as it is.

Mr. REED. Is there any law?

Mr. SWANSON. Whether there is a law or not I can not say, but there must be some authority for the grading which has been carried on. If there is no authority for it, why should we prohibit the farmers protecting themselves from having their potatoes, which they have raised and which really are first-grade potatoes, being graded improperly? The man who raises third-grade potatoes would like to sell them as first-grade potatoes, of course, but the man who raises first-grade potatoes does not want returns to be made to him under the basis of third-grade potatoes.

Mr. REED. Mr. President, if the Senator will yield to me, with the permission of the Senator in charge of this matter, the Senator from Virginia is discussing one question when the question before us is quite a different one.

There is no one who will object to the farmers making arrangements for the grading of their potatoes; they can make that arrangement in any way they see fit, but that is not the question here. The question here is, whether certain men, being officials, or claiming to be officials, of the United States Government, can themselves set up the right to grade potatoes and then can prohibit the farmers from selling their potatoes unless the potatoes are sold in conformity with the rules and regulations set up by these unauthorized men, and whether the Senate will appropriate the money of the people of the United States to pay for those unauthorized and illegal acts?

Mr. GORE. Mr. President—

Mr. REED. Just one moment and I will be through. If it is desired to have a Federal grading of potatoes, then let the law be brought in here, and let us discuss it, as we did the proposition to grade wheat. A very bad bill was brought in here of that kind, but it was defeated; and finally a law was worked out that is reasonably satisfactory. So, in this instance, there ought to be a bill brought in.

Mr. OVERMAN. Mr. President, the Senator has moved to adopt part of the conference report and send part of it back, which can not be done.

Mr. GORE. That is not quite correct.

Mr. OVERMAN. It has to be accepted or rejected as a whole.

Mr. GORE. Is the Senator making the suggestion to me or to the Senator from Missouri?

Mr. OVERMAN. To the Senator from Oklahoma.

Mr. GORE. Oh, no; I have moved the adoption of the report.

Mr. OVERMAN. Except as to one item.

Mr. GORE. We did not agree on that; that was left open.

Mr. MARTIN. That was not reported.

Mr. GORE. That is still open, and we simply insist upon that amendment, so that if we agree to the points respecting which the conferees reached an agreement, then amendment No. 44 will go back to the House.

Further, in connection with what the Senator from Missouri [Mr. REED] has said, I would remind him that the food-control act was "fearfully and wonderfully made," and if the Food Administration should find power in some obscure clause to grade potatoes it would not be at all astounding to me. There is a section in that bill which gives the Food Controller or the President the power to buy wheat, flour, meal, beans, and potatoes. How extensive or plenary this power may be, I am unable to say; but that is probably the source of this power, if it has any foundation in legislation whatever.

I hope the Senate will not send this conference report back to conference, because I think it a matter of the highest and most urgent importance that the wheat amendment be facilitated to a vote in the other House. The farmers of the country have a right to know what the fate of that amendment is to be. Perhaps the seeding of millions of acres of spring wheat may depend upon the passage of that measure; its rejection may have a contrary effect; but, at any rate, certainty and a final decision are due to the farmers of the country, and I hope that delay will not be insisted upon.

Mr. TOWNSEND. Mr. President, I do not think it is of much consequence to discuss the potato provision of the bill now, inasmuch as the conferees have agreed to eliminate it from the bill, and I would not have mentioned it had it not been brought up by other Senators. I desire to say now, however, that the

farmers of Michigan, so far as they have spoken, either individually or as organizations, have protested very strongly against the scheme of potato grading which has been put in force by the Food Administration.

I do not think the Senator from Virginia [Mr. SWANSON] states the case quite correctly when he says that the purpose is to protect the farmers against the necessity of selling in the market a first-grade article as third grade. The rule practically provided for two grades, although there is a third grade, which includes potatoes which pass through a screen an inch and a half, I believe, in diameter; but the provision that has been put in force does not guarantee quality in any respect. A large-sized potato may be the most inedible potato on the market, whereas the average-sized potato, the small potato, in many instances is the most edible. Everybody knows that; there is not a housewife in the land who does not know it. Large potatoes are frequently hollow and not fit to eat at all.

The farmers of Michigan may be mistaken, but they—and I think their potato industry is quite as great as that of Virginia—are opposed to it. Mr. Miller, of the Food Administration, tells me that they do not know what they are talking about. He has been in to see me two or three times. He has also been up to Michigan where he had a talk with the farmers, and had considerable trouble, I am informed, at a public meeting held at Lansing on this very subject. When I asked Mr. Miller why he put this rule in force now he said because there was an opportunity to do so. I asked him if he thought it was going to increase the food production or improve its edible quality, and he said no; that was not the object, but it was to put in force a rule that would be controlling in the market in the future and would in the end be beneficial to all parties concerned. I tried to impress upon him that it was unwise at this time, in a period of war, to impose a rule or a provision that was not going to increase the amount of food or its quality but which aroused opposition in the farmer.

This amendment was put in the bill on the floor by my colleague [Mr. SMITH of Michigan], who is absent. I felt that as a war measure it was very well, indeed, to eliminate this potato-grading provision, and I still think so. I think it would have been better for the production of food in the United States if the department could have left this out, inasmuch as no one will contend that it is an encouragement to the production of potatoes in any part of the United States.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. GORE. I move that the Senate further insist upon its amendment No. 44, still in disagreement.

The motion was agreed to.

#### EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 13, 1918, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate April 12, 1918.*

##### PUBLIC HEALTH SERVICE.

Asst. Surg. Charles V. Aikin to be passed assistant surgeon in the Public Health Service, to rank as such from March 4, 1918.

Asst. Surg. Frank M. Faget to be passed assistant surgeon in the Public Health Service, to rank as such from March 6, 1918.

Asst. Surg. John H. Linson to be passed assistant surgeon in the Public Health Service, to rank as such from March 5, 1918.

Asst. Surg. Knox E. Miller to be passed assistant surgeon in the Public Health Service, to rank as such from March 3, 1918.

Asst. Surg. Alvin R. Sweeney to be passed assistant surgeon in the Public Health Service, to rank as such from March 7, 1918.

Asst. Surg. Clifford E. Waller to be passed assistant surgeon in the Public Health Service, to rank as such from March 4, 1918.

Asst. Surg. Newton E. Wayson to be passed assistant surgeon in the Public Health Service, to rank as such from March 6, 1918.

Asst. Surg. Joseph G. Wilson to be passed assistant surgeon in the Public Health Service, to rank as such from March 3, 1918.

##### APPOINTMENT IN THE ARMY.

##### MEDICAL CORPS.

First Lieut. Frederick Pelham Sutherland, Medical Reserve Corps, to be first lieutenant in the Medical Corps with rank from April 4, 1918.

##### PROMOTION IN THE ARMY.

##### CHAPLAIN.

Chaplain Joseph L. Hunter, Coast Artillery Corps, to be chaplain with the rank of major from April 5, 1918.

##### TEMPORARY PROMOTIONS IN THE ARMY.

##### COAST ARTILLERY CORPS.

*To be lieutenant colonels with rank from March 7, 1918.*

Maj. Theodore H. Koch, Coast Artillery Corps (Ammunition Train).

Maj. James L. Long, Coast Artillery Corps.

*To be lieutenant colonel with rank from March 10, 1918.*

Maj. Frederick L. Dengler, Coast Artillery Corps.

*To be lieutenant colonel with rank from March 18, 1918.*

Maj. Richard H. Williams, Coast Artillery Corps.

*To be first lieutenant with rank from December 22, 1917.*

Second Lieut. William W. Dinsmore, Coast Artillery Corps.

*To be first lieutenant with rank from December 23, 1917.*

Second Lieut. Arthur Duffy, Coast Artillery Corps.

*To be first lieutenant with rank from December 24, 1917.*

Second Lieut. Ellsworth Young, Coast Artillery Corps.

*To be first lieutenant with rank from December 25, 1917.*

Second Lieut. John W. Fuchs, Coast Artillery Corps.

*To be first lieutenants with rank from December 26, 1917.*

Second Lieut. Thomas R. Bartlett, Coast Artillery Corps.

Second Lieut. Dudley F. Taylor, Coast Artillery Corps.

##### INFANTRY.

*To be major with rank from August 5, 1917.*

Capt. Charles W. Harris, additional officer.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE ARMY.

##### INFANTRY.

*To be first lieutenant with rank from September 24, 1917.*

Second Lieut. Tully C. Garner.

##### PORTO RICO REGIMENT OF INFANTRY.

Second Lieut. Ernesto F. Colon to be first lieutenant with rank from February 21, 1918.

PROVISIONAL APPOINTMENTS AS SECOND LIEUTENANTS IN THE ARMY.

##### INFANTRY ARM.

Second Lieut. Edward Italy Watson, jr., Officers' Reserve Corps.

Second Lieut. William Ewart Gladstone Graham, Officers' Reserve Corps.

Second Lieut. Gerage D. Curtis, Officers' Reserve Corps.

Second Lieut. Jesse Ralston Lippincott, Officers' Reserve Corps.

Second Lieut. Gaylord Benton Angus, Officers' Reserve Corps.

##### COAST ARTILLERY CORPS.

Second Lieut. William Herman Goodrich, Officers' Reserve Corps.

Second Lieut. William Harry Bauman, Officers' Reserve Corps.

First Lieut. Henry Myron Smith, Officers' Reserve Corps.

Second Lieut. Edwin Joseph Dowd, Officers' Reserve Corps.

Second Lieut. Harry Morris Krohn, Officers' Reserve Corps.

Second Lieut. Clem Oliver Gunn, Officers' Reserve Corps.

Second Lieut. Ralph Moore Wyatt, Officers' Reserve Corps.

Second Lieut. Louis Albert Williford, Officers' Reserve Corps.

Second Lieut. Percy Stuart Lowe, Officers' Reserve Corps.

Second Lieut. Maury Leo Webster, Officers' Reserve Corps.

Second Lieut. Claud Thomas Gunn, Officers' Reserve Corps.

Second Lieut. Wayne Allen Harrod, Officers' Reserve Corps.

Second Lieut. Lewis Franklin Moore, Officers' Reserve Corps.

Second Lieut. George Washington Phillips, Officers' Reserve Corps.

Second Lieut. Leon Aurile White, Officers' Reserve Corps.

Second Lieut. Edward Dreiss, jr., Officers' Reserve Corps.

Second Lieut. Winslow Burhans Van Devanter, Officers' Reserve Corps.

Second Lieut. Harold Young Keeler, Officers' Reserve Corps.

Second Lieut. Foster Chichester Harlow, Officers' Reserve Corps.

Second Lieut. Edward Nolan Delahunt, Officers' Reserve Corps.

Second Lieut. George Minot Cavis, Officers' Reserve Corps.

Second Lieut. Phillips Wainwright Loomis, Officers' Reserve Corps.

Second Lieut. Ephraim Preston Jolls, Officers' Reserve Corps.

Second Lieut. John William Callahan, Officers' Reserve Corps.



Second Lieut. Willis Doyle Kimmel, Officers' Reserve Corps.  
 Second Lieut. Blackstone Drummond Ayres, Officers' Reserve Corps.  
 Second Lieut. Robert Augustus Chambers, Officers' Reserve Corps.  
 Second Lieut. Alan Fuller Cameron, Officers' Reserve Corps.  
 Second Lieut. Howard Milton Cool, Officers' Reserve Corps.  
 Second Lieut. Charles Harold Cuppett, Officers' Reserve Corps.  
 Second Lieut. Walter Lee McCormick, Officers' Reserve Corps.  
 Second Lieut. Norton Swasey Crocker, Officers' Reserve Corps.  
 Second Lieut. Robert Martin Chase, Officers' Reserve Corps.  
 Second Lieut. Lyman Clement Rafferty, Officers' Reserve Corps.  
 Second Lieut. Arnold Dante Amoroso, Officers' Reserve Corps.  
 Second Lieut. Harold Francis O'Donnell, Officers' Reserve Corps.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 12, 1918.*

##### GOVERNOR OF ALASKA.

Thomas Riggs, jr., of Alaska, to be governor of Alaska, vice John F. A. Strong, term expired and resigned.

##### UNITED STATES DISTRICT JUDGE.

John Clark Knox to be United States district judge, southern district of New York.

##### REGISTER OF LAND OFFICE.

Joseph Winczewski to be register of the land office at Duluth, Minn.

### HOUSE OF REPRESENTATIVES.

FRIDAY, April 12, 1918.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God, in whom we put our trust, in obedience to a natural impulse, a strong and fervent desire, and in imitation of the world's great Exemplar, who never entered upon a duty, great or small, without seeking Thee, we come praying for the outpouring of Thy spirit, that we may resist evil and be strong to pursue the right as it is given us to see the right. Hear us when we pray out of the fervency of the soul, for our soldiers and their associates, the allied forces, who are engaged in the world's greatest conflict, that they may stand firm and beat back the forces who are intent in their object to destroy all the civilization of the past. Especially do we pray for the wounded, that they may be cared for in the awful suffering through which they are passing, by warm and sympathetic hearts, deft fingers to bind up the wounds, and all the skill that has been revealed through the ages. Comfort, we beseech Thee, the sorrowing whose loved ones are suffering the fortunes of war, and we will praise Thee, through Him who taught us the glory of self-sacrifice. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### PENSIONS.

Mr. RUSSELL. Mr. Speaker, under the rules this is pension day. The chairman of the committee, Gen. SHERWOOD, does not want to interfere with the pending bill. Therefore, at his suggestion, I ask unanimous consent that the pension bill—there is only one—in order on the calendar to-day be taken up at 5.30 o'clock this evening, unless the pending bill is completed before that time, in which case that it be taken up on completion of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the pension bill be in order when the pending bill is finished, provided the pending bill is finished by 5.30 o'clock p. m., and if it is not finished by that time that it be taken up in any event.

Mr. GARNER. Mr. Speaker, I do not think that request should be granted in that form.

Mr. RUSSELL. I thought the House would want to adjourn at 5.30 o'clock anyway, and in that way it would not interfere with anything else. If the gentleman in charge of the bill prefers it, I shall ask to change the request to have the pension bill taken up at the completion of this bill, whenever that may happen.

The SPEAKER. The gentleman modifies his request to have the pension bill considered whenever this pending bill is completed. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, do I understand that the request applies to to-day only?

Mr. RUSSELL. No; it applies to any time.

Mr. GARNER. I understood the gentleman from North Carolina [Mr. KITCHIN] to say that he hoped that the river and harbor appropriation bill might be finished to-morrow. I do not want to object to the pension bill being taken up, but it can be taken up at the end of the day and concluded in less than 20 minutes' time. I suggest to the gentleman that he ask that it be taken up to-day after this bill is finished.

Mr. RUSSELL. I have no objection to that.

Mr. GILLETT. Mr. Speaker, reserving the right to object, if we agree to take up this bill it might just as well be taken up now as at the end of the day.

Mr. GARNER. Let us proceed with the pending bill.

Mr. ASHBROOK. There is only one pension bill on the calendar.

Mr. GILLETT. I do not think we ought to agree to take it up at the end of the day.

Mr. RUSSELL. We are willing to take it up whenever this bill is completed, but some seem to object to that.

Mr. GILLETT. It seems to me that is a most reasonable request. Why not agree that it shall be taken up after this bill is finished?

Mr. GARNER. Immediately after this bill is finished.

Mr. GILLETT. Whenever the bill is finished, it shall be in order, not taken up. Then it may be taken up to-morrow. What is the objection to its being taken up to-morrow?

Mr. KITCHIN. I suggest to the gentleman that as soon as we get through with the pending bill we can finish the pension bill in 20 minutes.

Mr. STAFFORD. Mr. Speaker, would it not be better to defer the request until we know more about how much time it will take to finish this bill?

Mr. KITCHIN. I suggest that to the gentleman from Missouri.

Mr. RUSSELL. Very well, Mr. Speaker, I withdraw the request for the present.

The SPEAKER. The gentleman from Missouri withdraws the request.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CARTER of Massachusetts for one week, on account of illness.

Mr. MILLER of Minnesota. Mr. Speaker, I ask indefinite leave of absence for my colleague, Mr. VOLSTEAD, on account of serious illness in his family.

The SPEAKER. The gentleman from Minnesota asks indefinite leave of absence for his colleague, Mr. VOLSTEAD, on account of illness in his family. Is there objection?

There was no objection.

#### ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9901. An act to give indemnity for damages caused by American forces abroad; and

H. R. 9504. An act to amend section 4067 of the Revised Statutes by extending its scope to include women.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3980. An act to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes.

#### EXTENSION OF REMARKS.

Mr. REAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address delivered by the Hawaiian Delegate [Mr. KALANIANA'OLE] on war-time prohibition in the Hawaiian Islands.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

#### ORDER OF BUSINESS.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to proceed for two minutes on a matter connected with the third liberty loan.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I object.

Mr. WALSH. Mr. Speaker, we are now about to enter upon the further discussion of one of the most important bills in connection with the present emergency. It seems to me there should be a larger attendance here to hear the argument, and I make the point of order that there is no quorum present.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to print in the RECORD 19 references of Dr. Dublin, the famous lecturer,

on the alarming decline of the birth rate. It is only about a fourth of a column of the Record, and I would like to get it in.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks by printing certain data about the decline of the birth rate. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Mr. Speaker, I desire to withdraw the point I made on the suggestion of the chairman of the Committee on Military Affairs.

LIABILITY TO MILITARY SERVICE OF CERTAIN REGISTERED PERSONS  
(S. J. RES. 123).

Mr. SHALLENBERGER. Mr. Speaker, I yield 12 minutes to the gentleman from South Carolina [Mr. NICHOLLS].

Mr. NICHOLLS of South Carolina. Mr. Speaker and gentlemen of the House, it is needless for me to say since I have taken the positions which I have taken on the floor of the House, that I am first, last, and all the time behind this administration for the successful prosecution of this war. It hurts me when bills come before the Military Affairs Committee, of which I have the honor to be a member, which I must conscientiously oppose. When I say oppose, I do not mean to disagree with them in toto. That is not the question, but I do believe that men who are serving here have but one end in view, and that is the welfare of the country which we all love so well, and when I say that I mean the men on both sides of this House, because I want to say the Republicans have been as loyal to this administration in this war as the Democrats have been. [Applause.] We are all here seeking to win this war, and to win it as quickly as possible, but I want to recall briefly a little of the history of the events which have been enacted since you and I have been in Congress. The War Department is not infallible. Even our great President is not infallible; the Committee on Military Affairs of this House is not infallible; nor is the House infallible, but when the mistakes are being made it is the duty of every man representing the people of this country to try to remedy those mistakes. When the Hay bill came up in 1916 some of us were criticized for insisting upon the National Guard being considered as the nucleus of the new Army. The War College, the General Staff, the men that the President depends upon to give him information, because he has not the time to give his own personal attention to every matter that comes up, opposed the Committee on Military Affairs on that proposition, and when war was declared where would our country have been had there been no National Guard to form a nucleus of the Army? They were wrong. They now admit they were wrong. When the draft bill came before the House members of my committee, including myself, thought that the proper way to raise this Army was by the volunteer system. We fought it out on the floor of the House, and after losing the volunteer proposition we voted for the draft method, because it was the only way left to raise the Army, which was absolutely needed. At that time a majority of the committee opposed the draft bill; the War College and the General Staff said the bill was absolutely correct, and the papers said that some of the men who opposed it were guilty of treason to their country.

Now, what is the situation to-day? They have introduced this bill in which they virtually say: "We admit you were right and we were wrong. The former bill is absolutely incorrect, and we propose to introduce a bill now which virtually nullifies everything in the first bill, which we then said was right." Now, my friends, that is the situation. I merely cite these instances to show you they were wrong then, and if wrong then they are liable to be wrong now; and I rise to give you our reasons for signing the minority report and supporting the amendment which the gentleman from Nebraska [Mr. SHALLENBERGER] will introduce.

Now, what is the difference in the two bills? Let me say there is one county in my district, Union County, which did not have to furnish a single man under the first draft, because they had more men who volunteered to fight for it than the draft called for. At that time they said to Union County, "We will give you credit for the men you furnished." Now, the Federal Government goes back to Union County, S. C., and says, "We did not promise you that."

Mr. KEARNS. Will the gentleman yield?

Mr. NICHOLLS of South Carolina. I will yield to the gentleman.

Mr. KEARNS. Does the gentleman say that Union County is the only county in the United States furnishing a full quota of volunteers?

Mr. NICHOLLS of South Carolina. In the first draft.

Mr. KEARNS. The only one in the United States?

Mr. NICHOLLS of South Carolina. That is my information.

Mr. JOHNSON of Kentucky. I have one in my district.

Mr. JOHNSON of Washington. The same thing is true of Oregon.

Mr. NICHOLLS of South Carolina. I congratulate you gentlemen, but that is not my information.

Mr. RUSSELL. And Howard County, Mo.

Mr. MADDEX. And the whole State of Illinois besides.

Mr. NICHOLLS of South Carolina. I wish I could believe all of your statements, but that is not what the record shows.

Mr. JOHNSON of Kentucky. Does the gentleman require proof because his information was correct?

Mr. NICHOLLS of South Carolina. No; I do not need any proof. I get mine from the Judge Advocate General's office.

Mr. STAFFORD. Wisconsin has been many times maligned, and it has five counties—

Mr. NICHOLLS of South Carolina. I can not oppose Wisconsin, because I married there.

Mr. STAFFORD. I am glad to hear it.

Mr. NICHOLLS of South Carolina. To go on: There is no doubt whatever of there having been made an agreement between the people of the United States and their legislative bodies that the patriotic volunteers should be treated at least as well as the draft men. But we will not keep that promise. The patriotic counties reasonably thought that there would be a premium on patriotism. This bill does not give them even the advantages which those communities have whose men had to be forced into the service of their country. There is no doubt that there was an implied, if not an expressed, agreement that the patriotic communities would be given at least as much credit for the volunteers as for the men taken under the draft act. Are you going to violate that agreement? I do not believe you will. Let me give you another proposition.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield for a question?

Mr. NICHOLLS of South Carolina. I have but 12 minutes. I would like to, but I want to get through with my speech.

Now, gentlemen, here is what this bill proposes to do: Under the old law each State was required to furnish its quota according to population. I am frank to tell you that I do not think in the States where they have a large alien population they should be required to furnish in proportion to the population. So far as that is concerned, I agree with this bill, because a man who is not entitled to fight, who does not want to fight, a man who can not be made to fight, should not be counted as material from which to make up the Army.

I do say this to you, however, that if the bill carried out that proposition, and that alone, I would not be opposing it. But here is what this present bill does: It says to the War Department, to the General Staff, not to the President, "You can go to Iowa, the State of my friend HULL over there, and you can draw 5,000 men from Iowa, and you can go to Connecticut," without meaning any reflection on her loyalty, "and not take a single man."

Now, the proposition I stand for is this: If it is an honor to fight for this country—and it is—then that honor should be equally distributed among the States of this Union. If it is a duty to fight for this country, that duty should be equally distributed among the States of this Union. If it is a burden to fight for this country, that burden should be equally distributed among the States of this Union. I ask no favors. You can look up the record of my State and you will find that it is furnishing every man called for without question. I am perfectly willing for them to have the honor of fighting for this country, but I am perfectly willing also for the other States to share in that honor.

That is the position of the minority of this committee. It is not our desire to do anything to retard the prosecution of this war; on the contrary, it is our desire to do everything to back up this administration and to win this war. But when we take from those States who did not furnish their quota the honor of doing their share to win the war we are doing them a great injustice. As I stated before, those are the points that caused me to sign this minority report. I do not believe—and this is only my private opinion—that the President of the United States has time personally to prepare or to digest the details of every bill that is presented by the War Department, but that some of them are prepared by the War College and the General Staff. These officers may know more of the conditions of our country than the Members of this Congress, but the Constitution and the laws do not so regard it. Gentlemen, this Congress is a coordinate branch of the Government and it has its constitutional duties to perform. It is the duty of the General Staff to organize and perfect the Army provided for it by Congress and to control its operation. It is the duty of Congress—your duty and mine—to provide the men who are to be welded into this Army and the means to equip and support it. We have our clear duties to the country to perform. It is for us to provide the men and the means to win this war in the best way that we can do so. We should get from the War College and the General Staff all



the information which we need and they possess for the working out of the best plans for raising the men and the money to win the war. This is your duty and mine and we can not delegate it to the War College or to the War Department. To do so might relieve us from some labor and some responsibility, but it would be a clear neglect of our duties as legislators for our country imposed upon us by the Constitution and our oaths of office. We might escape some labors and some responsibility, but in doing so we ourselves would be slackers.

I do not propose, however, to give a few officers in Washington the right to take charge of all the civic population of the United States and decide whom they will call into action regardless of their rights or of the justice to the several localities which are to furnish the men to do the fighting.

I will not vote for a bill giving to them that power. I am not affected by what anybody else thinks. I am giving you my own views. I will tell you what they want to do. In this bill they fix it so that every man who is drawn into the service of his country—with a sister bill that will be introduced with it—shall be placed in class 1. What will be the result of that? You and I refuse to vote to make the 19-year-old boys of this country who could not vote do our fighting. There are still some people in the War Department who continue to want the kids to do the fighting for the men. They hope then, and they hope now, to fill these classes with the 21-year-old boys and let you and me and other men who are talking war, preaching war, declaring war, get out and sit back and say let the boys do the fighting. These boys can not vote, because you are taking them over there; but they must fight, because their fathers and their brothers and their uncles said to them, "You boys do the fighting and we will do the talking." That is the situation in a nutshell.

Gentlemen, I have talked to you longer than I intended to; but, as I stated at first, I do not like to take a position which is seemingly against the views of the War Department without giving my clear reasons for my position.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. NICHOLLS of South Carolina. Mr. Speaker, I ask a few minutes more.

Mr. SHALLENBERGER. Mr. Speaker, I yield one more minute to the gentleman.

Mr. NICHOLLS of South Carolina. I hate to take a position seemingly against the administration; but we are as much a part of this administration as the War College or the President. We have our duties to perform as they have theirs. We are as loyal to the Government and to the welfare of the country as they are, and I concede it to be the duty of every Member of this House to weigh these questions fearlessly, clearly, and conscientiously, and to advocate what he believes to be for the welfare of the country we love so well. Then, when we have gotten together on the best plans for making safe American freedom, American democracy, and the democracy of the world, let us push those plans to perfection with all the vigor and energy we possess.

Mr. SHALLENBERGER. How much time have I left, and how much time has the gentleman from Kentucky?

The SPEAKER. The gentleman from Nebraska has 28 minutes and the gentleman from Kentucky [Mr. FIELDS] 31 minutes.

Mr. SHALLENBERGER. I will ask the gentleman from Kentucky to use some time now.

Mr. FIELDS. I will say to the gentleman that we shall have only one more speech.

The SPEAKER. If nobody wants to make a speech, the Chair will put the question.

Mr. SHALLENBERGER. I yield 15 minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Speaker, this is a bill to change the method of apportioning the draft quotas. Before it is passed we have a right to inquire as to how the present law was administered. The selective-draft act provides that the draft quotas shall be apportioned according to "the population." Congress undoubtedly intended that the population as determined by the census of 1910 should be the basis. But the law did not clearly state the intent of Congress, and that vagueness enabled the Provost Marshal General to interpret the act to mean that estimates of population could be used instead of the actual enumeration made in 1910. It is these estimates of population that have been the cause of all the complaint which we have heard the country over. In view of what happened in that case we can not now afford to assume the risk involved in the adoption of legislation, at the request of that bureau chief, affecting the same important subject.

I propose to demonstrate to the House that in the apportionment among the several States of the quotas for the first draft the Provost Marshal General took advantage of the lack of direct

instructions from Congress, and by construing and interpreting the law in a manner that was never intended, did such a grave injustice to many States and communities that, on his own confession, he is now compelled to ask for remedial legislation.

The facts are that the Provost Marshal General, without authority of law, arbitrarily apportioned the State quotas for the first draft of 687,000 men by a method that was most unfair to the people of my own and a number of other States. I promptly protested against this illegal apportionment, but without avail. I pointed out that section 2 of the draft act of May 18, 1917, provides that "the population" shall be the basis for determining the State quotas, and submitted an argument which, to my mind, was conclusive that the population could be determined in no other way than by actually enumerating the whole number of persons in each State.

The only method provided for ascertaining the total number of inhabitants is by taking a census, and I therefore insisted that the census figures for 1910 must be used to fix the draft quotas.

Instead of abiding by the last census, the Provost Marshal General directed the Bureau of the Census to prepare an estimate of the population. The Census Office did this by first estimating that the total population of the United States had increased in the same ratio from 1910 to 1917 as had actually occurred from 1900 to 1910. The adoption of this hypothesis enabled the estimators to guess that the total population of the continental United States was 103,635,300. It was known that 9,650,382 men between the ages of 21 and 31 had registered. The proportion which the registrants represented to the estimated population was 9.32 per cent. The number of registrants in each State was then divided by 9.32 and multiplied by 100, which gave the estimated population of the State.

I need not stop to argue that the assumption as to the total population was a mere approximation, which no one can say is anywhere near right, and which is certainly in error when this estimate is divided among the States. To multiply this error by assuming that each registered man represented about 10 other inhabitants in the State where he happened to be but made the injustice more acute. Yet the Provost Marshal General insisted that this obviously unfair scheme be followed. Instead of gaining anything by wandering off after these false estimates he has led himself into such a morass of difficulty that he now appeals to Congress for a new law that will bring him back to solid ground.

The Provost Marshal General now denies all responsibility for the use of these estimates of population. He would have the country believe that the Census Bureau is entirely to blame, but I have conclusive proof that such is not the fact. I hold in my hand a copy of a memorandum that I obtained from the Census Office last August. The original of this memorandum was forwarded to the Provost Marshal General in May, 1917, shortly after the passage of the selective-draft act. In it he is warned that the law required him to apportion the draft quotas according to the census of 1910, and the evil effects of attempting to use estimates of population are clearly forecasted. Let me read from this document, which was prepared, after careful consideration, by the officials of the Census Bureau for the information and guidance of the Provost Marshal General:

Memorandum re basis to be employed in apportioning State quotas of draft.

Section 2 of the act of May 18, 1917, provides that—  
*"Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof, and credit shall be given to any State, Territory, District, or subdivision thereof, for the number of men who were in the military service of the United States as members of the National Guard on April 1, 1917, or who have since said date entered the military service of the United States from any such State, Territory, District, or subdivision either as members of the Regular Army or the National Guard."*

As this provision is interpreted by the Census Bureau, it requires that the quotas shall be based on the population as ascertained at the last Federal census, namely, that taken in 1910. If it had been the intention to have the apportionment based on estimates of the present population, it is reasonable to presume that the act would have so stated. This view is strengthened by the following citation from the second paragraph of section 4:

*"The President is hereby authorized, in his discretion, to create and establish throughout the several States and subdivisions thereof and in the Territories and the District of Columbia local boards, and where, in his discretion, practicable and desirable, there shall be created and established one such local board in each county or similar subdivision in each State, and one for approximately each 30,000 of population in each city of 30,000 population or over, according to the last census taken or estimates furnished by the Bureau of Census of the Department of Commerce."*

Since in this instance estimates were specifically mentioned by the act, it is logical to assume that they would have been specifically mentioned in the provision for the apportionment of the draft if Congress had intended that the State quotas should be based on estimates of population.

Furthermore, the Bureau of Census is opposed to the use of estimates of population as a basis for the apportionment of the draft, for the reason that, as only 10 States have taken censuses of their population since 1910, estimates for the greater part of the country would neces-

sarily be based either (a) on the census of 1910 and the growth during the period between 1900 and 1910, or (b) on the registration. Either basis is far from satisfactory. It is a well-known fact, substantiated by the registration returns themselves, that the increase in population of certain States since 1910 has not been nearly so rapid as the increase between 1900 and 1910. In fact, for certain States the returns indicate a decided decrease since 1910, although the decrease in total population probably has not been relatively so great as the decrease in the number of males 21 to 30 years of age, inclusive.

(Estimates based on the registration returns would also be far from accurate, for the reason that, because of the abnormal shifting of population which have taken place among certain parts of the country during recent years, and particularly since the outbreak of the war, gave so great an impetus to the manufacture of munitions and other commodities needed by the belligerents, the proportions which the males 21 to 30 years of age, inclusive, represent of the total populations of the various States are far from being the same as in 1910.) Some idea of the margin of error may be gained from the facts that the proportion of males 21 to 30 years of age, inclusive, in the total population of cities having 30,000 inhabitants or more in 1910 varied from 7.1 per cent in Newton, Mass., to 18.4 per cent in Flint, Mich.; and that for those portions of the several States which lay outside such cities the corresponding proportions varied from 7.8 per cent in Tennessee and Virginia to 19.2 per cent in Wyoming. If the proportion for each State, county, and city were assumed to be the same as in 1910, estimates of total population, based on the registration, would therefore be wide of the mark in many cases.

It is obvious, therefore, that an apportionment of the draft made directly from the registration itself would be much more equitable than one made from estimates of total population based either on the registration or on the census of 1910 and the growth between 1900 and 1910.

To recapitulate: The Census Bureau maintains that, under the law, the apportionment of the draft must be made on the basis of the total population as ascertained at the Federal census of 1910. It holds, however, that if the necessary change in the law could be secured it would be far more equitable to apportion the draft on the basis of the registration itself.

The last suggestion made by the Census Bureau to the effect that if the law could be changed it would be best to base the

apportionment of the draft on the registration itself embodies the substance of the amendment to be offered by the gentleman from Nebraska [Mr. SHALLENBERGER].

When the officials of the Census Bureau presented this memorandum, what did the Provost Marshal General do? One would have expected him to follow the advice of the highest authority in the Government on such a vital matter, but he did nothing of the kind. In response to the positive stand taken by the Census Office, Gen. Crowder, in effect, replied that he would interpret the law as he saw fit. He boldly assumed all responsibility for the method of determining the draft quotas upon estimates of population. The officials of the Census Bureau, actuated by the most patriotic motives, yielded their better judgment and obeyed his orders. From that time on they merely acted in a ministerial capacity and supplied his office with estimates and data for the purpose of apportioning the draft.

During the conferences between the Provost Marshal General and the officials of the Census Bureau a table was prepared at his request which showed the gross quota for each State based, first, upon the decennial census of 1910; second, upon official estimates of population of July 1, 1917; and third, estimates of population based upon the draft registration. The Census Bureau submitted three methods of apportioning the quotas, stating that, in its opinion, the first, based upon an actual enumeration, was in accordance with the selective-draft act and was the only one that could be lawfully used. It is beyond dispute that Gen. Crowder ordered the apportionment of the draft to be upon the third method and that he alone is responsible for its use. For the information of the House I shall print a copy of this table as a part of my remarks:

Statement showing the population of the United States by States, including Alaska, Hawaii, and Porto Rico, and the proportion that each State and Territory is of the total population, together with the gross quota each State and Territory would furnish on a draft of 1,152,985 men, in pursuance of the selective-draft act, according to (a) decennial census of 1910, (b) official estimates of population July 1, 1917, and (c) estimates of population July 1, 1917, based on registration.

Area.	Decennial census, 1910.			Official estimates of population July 1, 1917.			Estimates of population July 1, 1917, based on registration.		
	Population.	Proportion.	Gross quota.	Population.	Proportion.	Gross quota.	Population.	Proportion.	Gross quota.
United States.....	93,346,543	1.000000	1,152,985	105,151,673	1.000000	1,152,985	105,363,053	1.000000	1,152,985
Alabama.....	2,138,093	.022905	26,403	2,363,983	.022181	25,920	1,945,533	.018474	21,390
Arizona.....	204,351	.002183	2,521	263,783	.002500	2,893	400,203	.003884	4,473
Arkansas.....	1,574,443	.016887	19,447	1,781,343	.016793	19,353	1,591,835	.015133	17,452
California.....	2,377,540	.025170	29,367	3,021,032	.028806	33,213	3,180,903	.030275	34,907
Colorado.....	799,021	.008539	9,870	983,320	.009330	10,837	895,331	.008497	9,797
Connecticut.....	1,114,755	.011942	13,769	1,265,373	.012334	13,875	1,719,023	.016320	18,817
Delaware.....	202,322	.002167	2,498	215,160	.002045	2,359	231,710	.002228	2,589
District of Columbia.....	331,069	.003547	4,090	369,282	.003512	4,049	345,855	.003232	3,791
Florida.....	752,619	.008033	9,295	916,185	.008713	10,046	925,641	.008785	10,123
Georgia.....	2,693,121	.027951	32,227	2,895,841	.027540	31,753	2,483,544	.023590	27,200
Idaho.....	325,591	.003488	4,022	445,176	.004231	4,882	411,681	.004192	4,833
Illinois.....	5,638,591	.059405	69,645	6,231,995	.059235	68,303	7,227,952	.068590	79,091
Indiana.....	2,703,873	.028334	33,360	2,835,492	.026958	31,091	2,738,893	.025904	29,971
Iowa.....	2,221,771	.023833	27,479	2,219,604	.021109	24,338	2,327,079	.022385	25,435
Kansas.....	1,643,949	.018115	20,885	1,851,870	.017311	20,305	1,623,223	.015431	17,795
Kentucky.....	2,233,905	.024331	28,284	2,334,003	.022785	25,251	2,024,353	.019213	22,152
Louisiana.....	1,658,358	.017744	20,459	1,855,954	.017350	20,332	1,638,832	.016020	18,481
Maine.....	742,371	.007953	9,170	777,340	.007303	8,524	645,588	.006137	7,073
Maryland.....	1,235,343	.013377	16,000	1,373,673	.013034	15,033	1,232,091	.012233	14,133
Massachusetts.....	3,333,415	.035334	41,581	3,775,973	.035910	41,404	3,931,561	.037389	43,103
Michigan.....	2,819,173	.030105	34,711	3,034,233	.028427	33,021	4,015,053	.038103	43,933
Minnesota.....	2,075,703	.022237	25,630	2,312,445	.021991	25,355	2,377,933	.022553	25,021
Mississippi.....	1,797,114	.019252	22,197	1,975,570	.018797	21,673	1,591,345	.014249	16,429
Missouri.....	3,233,335	.034231	40,678	3,422,595	.032315	37,601	3,210,679	.030753	35,431
Montana.....	375,053	.004023	4,644	472,935	.004493	5,181	952,478	.009040	10,423
Nebraska.....	1,193,214	.012772	14,726	1,281,125	.012121	14,080	1,270,301	.012051	13,900
Nevada.....	81,875	.003877	1,011	110,733	.001053	1,211	131,232	.001245	1,431
New Hampshire.....	431,572	.004613	5,319	441,429	.004227	4,874	433,881	.004333	4,410
New Jersey.....	2,537,187	.027180	31,333	3,011,194	.028355	33,051	3,255,407	.030331	35,621
New Mexico.....	327,391	.003533	4,012	423,610	.004022	4,615	352,392	.003314	3,851
New York.....	9,113,614	.097332	112,533	10,480,182	.099477	114,633	11,187,793	.010183	122,421
North Carolina.....	2,203,287	.023335	27,251	2,431,381	.023151	25,693	2,145,283	.020370	23,483
North Dakota.....	577,053	.006132	7,123	765,319	.007278	8,391	703,992	.006710	7,737
Ohio.....	4,767,121	.051039	55,882	5,212,085	.049537	57,150	6,074,771	.057651	66,471
Oklahoma.....	1,657,155	.017753	20,469	2,283,855	.021777	25,110	1,822,470	.017297	19,911
Oregon.....	672,765	.007207	8,310	881,992	.008198	9,452	675,092	.006407	7,337
Pennsylvania.....	7,695,111	.082114	94,673	8,630,042	.082358	94,553	8,994,082	.085237	98,277
Rhode Island.....	512,610	.005433	6,502	625,885	.005932	6,833	573,583	.005411	6,277
South Carolina.....	1,515,400	.016234	18,713	1,613,205	.015327	18,015	1,384,203	.013137	15,147
South Dakota.....	533,833	.005735	7,212	715,972	.006818	7,881	621,352	.005915	6,851
Tennessee.....	2,181,783	.023405	26,983	2,304,629	.021917	25,270	2,021,893	.019218	22,151
Texas.....	3,893,512	.041743	48,120	4,515,423	.042312	49,511	4,337,037	.041732	48,115
Utah.....	373,351	.004000	4,612	443,893	.004221	4,807	451,932	.004293	4,945
Vermont.....	355,951	.003813	4,393	394,943	.003711	4,002	233,423	.002243	2,343
Virginia.....	2,061,612	.022285	25,465	2,213,025	.021013	24,253	1,951,521	.018521	21,351
Washington.....	1,141,990	.012234	14,103	1,597,400	.015191	17,515	1,165,855	.011074	12,763
West Virginia.....	1,221,119	.013031	15,032	1,412,602	.013434	15,480	1,335,937	.012878	14,843
Wisconsin.....	2,333,890	.025002	28,827	2,527,187	.024033	27,710	2,575,931	.024457	28,199
Wyoming.....	145,953	.001554	1,803	184,970	.001759	2,028	245,223	.002327	2,683
Alaska.....	64,358	.000689	794	64,912	.000317	711	64,912	.000313	710
Hawaii.....	191,909	.002053	2,371	219,580	.002088	2,407	219,580	.002084	2,407
Porto Rico.....	1,118,012	.011977	13,809	1,231,880	.011715	13,507	1,231,880	.011691	13,489



The estimates of population issued by the Bureau of the Census as of July 1, 1917, contains a preface which clearly shows that the mathematical calculations made at the request of the Provost Marshal General were not deemed to be of any value except as a basis for apportioning the draft quotas, and that these figures were not represented to be an accurate enumeration of the population. The preface says:

*These estimates have been made by the Bureau of the Census, at the request of the Provost Marshal General of the War Department, solely for use as a basis for the apportionment of the forthcoming draft. The method employed may be described briefly as follows:*

The total registration as shown by the preliminary telegraphic returns, 9,659,382, was divided by the total population of continental United States exclusive of Alaska, as heretofore estimated by the Census Bureau, 103,635,300, in order to obtain the proportion which the registrants represented of the total population. The resulting figure, 9.32 per cent, was assumed to represent the proportion which the registrants in each geographical unit represented of the total population thereof. Since the State totals as shown by the corrected returns received by mail, varied more or less from those given in the preliminary telegraphic returns, both the total registration for the United States and the total population estimated herein differ slightly from the figures above given.

The assumption that the proportion which the registrants in any county or city represent of its total population is the same throughout the United States may not be true, but the only way to ascertain the true proportion for each geographical unit would be to make an actual enumeration of its population. The proportion in 1910 varied considerably in different parts of the country, being greater, as a rule, in the newer than in the older sections, and greater in cities than in rural localities. Because of the abnormal shiftings of population which have taken place among certain parts of the country in recent years, and particularly since the outbreak of the war gave so great an impetus to the manufacture of munitions and other commodities needed by the belligerents, the proportions which men 21 to 30 years of age, inclusive, represent of the total population of many localities have changed greatly since 1910. For this reason the assumption that the proportions existing in 1910 still prevail would result in very inaccurate estimates for some localities.

Since therefore, it was impossible in any event to estimate precisely the population of cities, counties, and States on the basis of the registration, the simplest and speediest method—that based on the assumption that the proportion which the registrants represent of the total population is the same throughout the country—was adopted. One reason for the employment of this method was that the Census Bureau had only a very short time in which to prepare the estimates; but another and still more cogent reason was that in this manner there was obtained the fairest possible basis for the apportionment of the draft, since the localities whose population estimates may be exaggerated are those in which there is an excess of men 21 to 30 years of age, inclusive, while the ones whose population is understated are those in which the proportion of men of these ages is smaller than the average.

The estimates for Alaska, Hawaii, and Porto Rico, in which the registration has not yet taken place, were made in the same manner in which the official estimates of population have been made by the Census Bureau heretofore, namely, on the assumption that the annual numerical increase in each geographical unit since 1910 has been the same as the average numerical increase between 1900 and 1910.

When the draft quotas based upon these estimates were announced a storm of protest immediately arose in a number of the States. The Provost Marshal General himself describes what happened in these words:

Now, this disproportionate taking of citizens engaged our attention during the first draft, and of Members of Congress who represented districts that had in them congested centers of foreign population. They saw how unequally the rule was operating in respect to their localities.

Later in the hearings he said:

Do not get the idea that this matter was not often talked about, because there were protests against the estimates from more than a dozen States, and the matter was the subject of a great deal of correspondence and some editorial comment.

With the advent of this criticism did this valiant lawyer warrior, who was so prompt to assume all responsibility, bravely meet the issue and defend what he had done? Sad to relate, the record shows that, like a true bureaucrat, he immediately "passed the buck." The first evidence of evasion that I have in writing is contained in a letter addressed to me on September 5, 1917, from the War Department, in which this language occurs. This letter was prepared in the Judge Advocate General's office, with Gen. Crowder's approval, and is in reply to a letter of mine protesting against the use of estimates in apportioning the draft quotas. This letter states:

The estimates of population are the estimates of the Bureau of the Census of the Department of Commerce, with which the War Department has nothing whatever to do.

That statement is not true. I have shown you that the Census Bureau submitted a memorandum to the Provost Marshal General advising against the use of these very estimates, and yet this letter sets forth that the War Department had nothing whatever to do with their adoption.

In the hearing before the Committee on Military Affairs this question was asked by the gentleman from Nebraska [Mr. SHALLENBERGER] at my request. I read from page 28 of the hearings of February 4, 1918:

Mr. SHALLENBERGER. I have been asked this question. I am told that certain States, particularly Arizona, claim that your allotment against those States is much in excess of what it should be. \* \* \* The

census figures have enormously increased the population of the State; that certain Western States have large populations of single men; that you have estimated the population too large, and therefore you have asked for an unfair number of men from those States. \* \* \*

Gen. CROWDER. Your statement is correct, except that I do not think I am responsible.

Mr. SHALLENBERGER. I mean the Census Bureau.

Gen. CROWDER. The census people did project over the 1910 census to 1917, under rules of their own formulation, and they did produce the result that you speak of, and as a necessary consequence the quotas of certain centers have been too large. That has been the result very largely of an effort upon the part of the Census Bureau to establish a percentage relation between total population and total registration.

Thus, early in the hearings, the Provost Marshal General deliberately sought to shield himself from criticism by laying the blame upon somebody else. A little later the gentleman from Nebraska asked him these very interesting questions:

Mr. SHALLENBERGER. This is a question which has puzzled a great many men. Why was it you did not base your draft upon the rule of citizenship instead of upon the rule of population? Was it not practicable to do it?

Gen. CROWDER. Because the law commanded me to distribute it according to total population.

Mr. SHALLENBERGER. The War Department drafted the law. Why did it ask us to pass a law that placed the liability not upon the citizens but upon the total population?

Gen. CROWDER. I do not know that I can explain that omission. The department followed the statute of 1862, which was based upon total population.

Mr. SHALLENBERGER. But these inequalities did not exist then.

Gen. CROWDER. It did not occur to us that there was a more convenient rule.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. SHALLENBERGER. The gentleman knows that the Census Bureau stated that they considered the proposition that I am now making was the fairest one and put it up to the Provost Marshal himself.

Mr. HAYDEN. Yes; the Census Bureau told him last May that under the law the census of 1910 should be used, but they then suggested the proposition of the gentleman from Nebraska, which is that the law be changed to apportion the draft according to the registration itself.

Fr. FIELDS. Will the gentleman yield?

Mr. HAYDEN. I yield.

Mr. FIELDS. It is not contended that the gentleman from Nebraska's proposition would not be fair, but the original proposition was the total population, and the committee did not think that his proposition was better than any other proposition.

Mr. HAYDEN. I do not agree with the gentleman from Kentucky at all.

Beginning on page 68 of the hearings, I find that the gentleman from Ohio examined the Provost Marshal General at some length but with very doubtful results:

Mr. GORDON. General, you have testified that the apportionment of the first draft was based on figures furnished by the Census Bureau. However, they did not purport to be the figures showing the actual population of the different localities determined by the Census Bureau?

Gen. CROWDER. They purported to be a projection over of the actual population in 1910 of these localities, under rules which would approximate what the population ought to be seven years later, in 1917. That is what they purported to be.

Mr. GORDON. Did they use the same figures for the purpose of determining that population that they would use if I wrote a letter to the Census Bureau and asked them to tell me what the population of a city was on June 5, 1917? Did they take the same method of determining the population for the purposes of this draft that they would use for determining the population of any city or State now, by figuring from the population in 1910?

Did the Provost Marshal General frankly answer that question by saying that that very kind of an estimate was submitted to him by the Census Bureau but that he refused to use it? He did not. This is his reply:

Gen. CROWDER. I have only such information on that subject as they gave me in a few conferences we held during the time they were preparing these estimates. They have their own scientific rules for judging the increase of population. I understood they applied those rules and also took as accurate cognizance as they could of unusual flows of population, stimulated, we will say, very largely since the war broke out in 1914 by the demands of various centers for munitions workers. They informed themselves, I think, through the school censuses, through electoral censuses.

The general was merely giving free play to his imagination when he made that last statement. As a matter of fact, the Census Bureau did not use the figures from any school or electoral census in calculating the draft quotas—

Mr. GORDON. To what extent did they take into consideration the actual registration for the purpose of determining their first figures on population?

Gen. CROWDER. Not at all in their first estimates—

That is a true answer—

In the first estimates they were governed by the rules I have named. In the second estimate, which was one we had to have in the execution of the law, they applied a different rule.

The "one we had to have in the execution of the law." That is not a true answer. The Provost Marshal General would have told the whole truth if he had said, "In the second estimate, which was one that I demanded be prepared against the protest of the Census Bureau."

Mr. MADDEN. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. MADDEN. Does the gentleman pretend to say that Gen. Crowder did not tell the truth?

Mr. HAYDEN. He did not tell the whole truth.

Mr. MADDEN. I take exception to the statement of the gentleman that Gen. Crowder would lie about it.

Mr. HAYDEN. I am not accusing him of lying. The gentleman from Illinois can not put that word in my mouth. I am saying that when he said that they had to use an estimate of population he did not tell the whole truth, because no estimate was required under the law. The Census Bureau told him so, and told him that he could not lawfully use an estimate but should use the census of 1910.

Mr. MADDEN. And as they made it up they increased the population of Chicago a million and fifty thousand over what the population is. They reduced the population in other places to make up the increase of population, and I deny that Gen. Crowder would lie about any question submitted to him.

Mr. HAYDEN. I submit that the Provost Marshal General did not give a true answer, because he did not tell the whole truth. He failed to state that the Census Bureau advised him against the use of an estimate and that he could not use it lawfully. Nevertheless he insisted that estimates of population be used and stated that he would take the responsibility.

However, listen to his answers to these questions by the gentleman from Ohio:

Mr. GORDON. Why did you not adhere to the original plan of estimating from the best sources available through the Census Bureau what the actual population was, instead of resorting to this second method?

Gen. CROWDER. *I called upon the Census Bureau for the estimate of the population which the law commanded me to take into consideration. The law did not contemplate that I would make any estimate, but it did contemplate I would go to the expert branch of the Government for those estimates. I exercised no revisory power over their estimates at all.*

Mr. GORDON. You were commanded by the law to determine the apportionment upon the basis of actual population.

Gen. CROWDER. *Yes; but Congress contemplated that I would get that from the Census Bureau. You can imagine what standing I would have in court if I had undertaken to estimate the population myself, without reference to the Census Bureau.*

Mr. GORDON. The Census Bureau does not contend that their last basis of estimate was more nearly correct than their first?

Gen. CROWDER. *I do not think they do, in the light of the criticism of both estimates.*

Mr. GORDON. Your contention is that you had no discretion in the matter, but you were bound by the figures, however erroneous they might be, that the Census Bureau furnished you?

Gen. CROWDER. *I certainly would not have acted upon figures from any other source, or upon my own revision of their estimates. I would have been unauthorized to substitute my own estimates for the figures of the Census Bureau.*

Mr. GORDON. Even when they reported that they estimated the population of Detroit at over 1,600,000 when, in fact, it had less than 800,000, you still felt you were precluded from going behind their estimates?

Gen. CROWDER. *Exactly; and I remain of that opinion.*

If Gen. Crowder's replies do not constitute a complete attempt to evade responsibility by shifting the burden for adopting estimates of population from his own shoulders to those of the Director of the Census, then we must revise all of our ideas of the meaning of words in the English language.

Mr. ALEXANDER. Will the gentleman yield?

Mr. HAYDEN. I yield to my good friend from Missouri.

Mr. ALEXANDER. Does the law say he shall take the census of 1910? Did not it say that he should take it as a basis?

Mr. HAYDEN. No; the selective-draft law says that the quotas shall be determined according to the population. The Provost Marshal General submitted the matter to the Census Bureau, and they advised him that, as a matter of law, he must use the census of 1910 as a basis.

Mr. ALEXANDER. The population of 1917 was clearly intended in the law.

Mr. HAYDEN. The clear intent of the law was that the census of 1910 should be used. That such was the opinion of this House when the selective-draft act was under consideration is borne out by the fact that no one questioned the statement of the chairman of the Committee on Military Affairs when he asserted, in answer to a question, that a census was necessary to determine the population.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. SHALLENBERGER. Is it in the record that when the question was asked the Provost Marshal General, who was re-

sponsible for making the figures, Gen. Crowder said, "I was required to take the figures that the Census Bureau furnished me," and he put the whole burden on the Census Bureau?

Mr. HAYDEN. Yes. But the facts are that he insisted upon using figures obtained by estimating the population, against their protest.

Mr. MADDEN. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. MADDEN. How could he do anything else? Who can furnish the statistics of population except the Census Bureau? They are the only ones that have the facilities.

Mr. HAYDEN. The objection that I have to the attitude of the Provost Marshal General is that instead of frankly coming before the Committee on Military Affairs and taking the responsibility, he passed it all over to the Census Bureau. He did not bravely say, "Yes; I did it; because I thought it was the only way it should be done."

Mr. MADDEN. He asked them for the information that he had to have, and they supplied it.

Mr. HAYDEN. They supplied it under his direction.

Mr. MADDEN. They supplied it on his request; and if they failed to give him the information which he requested, he is not to blame for that.

Mr. HAYDEN. The Census Bureau carried out his wishes and gave him exactly what he asked for, but the Provost Marshal General agreed to be responsible for what was done.

Mr. McCORMICK. Mr. Speaker, will the gentleman yield?

Mr. HAYDEN. Gladly.

Mr. McCORMICK. Is it of record that the Bureau of the Census protested against an estimate other than that established by the census of 1910?

Mr. HAYDEN. I have read into the RECORD a copy of the identical memorandum submitted to Gen. Crowder in May, 1917, when this matter was under discussion, in which the Census Bureau told him that in their opinion under the law he could not use anything except the census of 1910 as a basis for apportioning the draft quotas.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. DENT. Mr. Speaker, I want to make this statement as to what I stated when the so-called draft bill was before Congress last spring. I made the statement in opposition to the draft legislation and in favor of the volunteer system that the law as proposed demanded that the Government should take an actual census of the country and that it would take such a long time to take that that you could get your volunteers before the census could be taken. I do not think that the War Department followed what Congress intended, because it meant actual population and not estimated population.

Mr. HAYDEN. Let me carry out further and say that nowhere in the law is there any mention of an estimate of population being used as a basis for the draft quotas. The Census Bureau points out in the memorandum submitted to the Provost Marshal General that certainly if Congress had meant that estimates should be used the law would have said so. Therefore the census of 1910 had to be used.

The answers that I have read from the hearings were made offhand by the Provost Marshal General, and it might be said that he should not be held to strict accountability for them; but on February 22 he read a prepared statement to the Committee on Military Affairs, in which, with calmness and deliberation, he repeats the assertion that the census of 1910 could not be used to fix the draft quotas. No mention is made of the effort of the officials from the Census Office to induce him to adopt the census figures and of his refusal to do so. In other words, he again failed to tell the whole truth. His statement reads:

*All that could be utilized was an estimate of population. In making this estimate the Census Bureau applied the results of the registration as a constant factor and estimated population in such a way that the first quotas were not computed on population at all but on registration. Now, registration was affected by a variety of causes. Since the last census there had been a great coalescence of labor around industrial centers and a great withdrawal of it from rural and agricultural regions. This upset state of affairs was further accentuated by the fact that most of the persons who had changed their residence were young men between the ages of 21 and 30. The resulting population estimated upon this basis was in some cases grotesque and the consequent inequalities could not be cured by administrative act of the Provost Marshal General's Office—*

I thank the general for that word "grotesque." It is the very term for which I have searched to describe the result of the estimate of population made for the State of Arizona—

The first draft was relatively small, but, small as it was, the protests of the localities injuriously affected were very powerful and there can be no doubt that they will be repeated if the old rule is adhered to. Those protests could not be answered in any reasonable way. The only



answer that can be made is that the law called for a basis of population, and the only population the Government knew was the Census Bureau's estimate, which, under the circumstances, could not be made more accurate, but it was admittedly not accurate in many instances. The sum of the whole problem is that the proposed rule would go far to abate the alien difficulty, would eliminate the difficulty arising out of the inaccurate estimate of the Census Bureau, and in its intrinsic worth and merit is unassailable.

If the Provost Marshal General had followed the plain intent of the selective-draft law and used the census of 1910 as the basis for apportioning the quotas for the first draft, all of this confusion would have been avoided. Any complaint that might have been made could have been properly answered by saying that the Constitution provides for the apportionment of Representatives in Congress and direct taxes in accordance with the number of people in each State, as determined by an actual enumeration of the population. If we can rearrange matters of such importance only once every 10 years, it is not unreasonable to provide that the same rule shall apply to the draft quotas. Instead of the census basis, which is free from complications and everybody understands, the Provost Marshal General seemed to deliberately go out of his way to seek trouble, and he certainly found it, as is evidenced by his own testimony given when he was insisting upon the passage of the present bill.

If the census figures had been followed, the population of the city of Detroit would not have been arbitrarily increased to 1,600,000—nearly twice the actual number of people residing there. Neither would it have been possible to do even worse than that by the city of Akron, Ohio. Nor would the city of Lawrence, Mass., have been compelled to furnish an extravagant quota from a registration which showed but 43 per cent to be American citizens.

The estimate of population used as a basis for the first draft gave my State a total population of 409,203. The census of 1910 actually enumerated 204,354 people. If these new and fanciful figures had been applied in the same ratio to the entire country, we would have to "estimate" that there are 200,000,000 people in the United States. The gross quota of men from Arizona under the first draft was fixed at 4,478. On the basis of the census of 1910 my State should have furnished a total of but 2,524 men, so that there is an excess of 1,954 soldiers now in the Army from Arizona.

But that is not half the measure of our complaint. Out of a total registration of 37,355 in my State there were 15,064 aliens, leaving but 22,291 citizens liable to the draft. Arizona has a larger proportion of alien registrants than any other State in the Union. This is due to the fact that considerable numbers of foreigners, principally Mexicans, are employed in our copper industry. The ratio 9.32 was applied to each one of these aliens, with the result that Arizona is supposed to have a population consisting of nearly 40 per cent who are not American citizens. Anyone who is even slightly acquainted with the people of my State knows that this is obviously untrue. A great majority of the miners are single men, and however often any wizardly estimator may use the fateful figures 9.32 he can not thereby transport their relatives to Arizona on a magic carpet.

Every one of these aliens was duly registered, but the great majority of them promptly claimed and received exemption from the draft. The heavy burden of supplying our quota immediately fell upon the citizen registrants, with the result that in some of the mining communities practically every young man of American birth was at once called to the colors. That they answered the call and presented themselves for enrollment without delay is an evidence of patriotism unequalled by any State in this Union. They are now in the cantonments, doing their very best to prepare for the final battle that will forever put an end to German militarism. I know that I speak for every one of them when I say that our State has been unfairly dealt with and that they have a right to ask that this injustice be corrected. They ask it not for themselves, because they know that this war will not wait for the training of other men to take their places, but for the sake of their brothers and friends who are listed for future military service.

That it may be of record that the unfair apportionment of draft quotas, which weighed so heavily against the people of Arizona, did not go without protest I include as a part of my remarks the following letter which I addressed to the proper authority on August 15, 1917, 20 days before a single one of the selected men had arrived at the cantonments:

WASHINGTON, D. C., August 15, 1917.

The honorable the SECRETARY OF WAR,  
Washington, D. C.

MY DEAR MR. SECRETARY: I shall be greatly obliged if you will advise me by what authority of law an estimate of the population based upon the registration of men between the ages of 21 and 30 years was used,

instead of the population as ascertained by the last census, to determine the quotas of the several States for the first call for men made pursuant to the selective-draft act? Section 2 of the act of May 18, 1917, provides that "the population" shall be the basis for determining such quotas, and there is no mention in this section of an estimate of the population. It is true that in section 4 provision is made for estimating the population of cities of 30,000 or over, but the very fact that estimates are specifically authorized in another part of the act would indicate that the omission of the word "estimated" in section 2 was intentional.

Webster defines "population" as the whole number of people, or inhabitants of a country. The Constitution provides that there shall be an "actual enumeration" of the "whole number of persons" in each State every 10 years. Under this authority Congress has directed that a decennial census of the population shall be taken by the Director of the Census. Since no other method is provided by law for ascertaining "the population" it can not be denied that, when Congress directed that "the population" shall be used as a basis to determine the quotas of the several States, direct reference was made to the actual enumeration of 1910 and not to a later estimate.

The Constitution provides that Representatives in Congress and direct taxes shall be apportioned among the States according to their respective numbers, counting—not estimating—the whole number of persons in each State. Every reason that would justify an estimate of the population, seven years after a census, for fixing the draft quotas would apply with equal force to urge the use of the estimated population, rather than an actual count, at any time between the census periods for apportioning the number of Representatives or levying a direct tax. The authors of the Constitution very properly decided that it was unwise to follow an estimate in matters of such grave importance because any approximation of the population was bound to lead to injustice and consequent dissatisfaction, as has happened in the present instance.

Apparently the word "population" has never been given a judicial interpretation by any Federal court of record. It has, however, been judicially interpreted by the Supreme Court of New Jersey. In construing an act classifying cities according to population, it was held (in re Assessment for construction of sewer, 54 N. J. L., 156, 23 Atl., 517) that "population" could not be determined by the court through the introduction of evidence in the ordinary way, but that it must be determined by some official census or enumeration. In this case the population of a city was 8,326 by the State census of 1885 and 13,023 by the United States census of 1890, but the court held that the city could not be legally regarded as a city of over 12,000 until after April 17, 1891, when the official bulletin of the census of 1890 was published. The opinion in this case was quoted with approval in Dickinson v. Board of Chosen Freeholders (71 N. J. L., 589, 60 Atl., 220), where it was held that the State as well as the Federal census must be taken into account in determining the population of a county. The Code of Iowa (1897, sec. 48, par. 26) provides: "The word 'population' where used in this code or any statute hereafter passed shall be taken to be that as shown by the last preceding State or national census, unless otherwise specially provided. The compiled laws of Utah (1907, sec. 2498, par. 19) contain an almost identical provision. This comprises all the law that I have been able to find on this subject, and every line of it is in accord with my contention that the census of 1910 and not an estimate of the present population should be used to determine the draft quotas.

I also desire to know by what authority of law the Census Bureau estimate of the population in 1915, instead of the census of 1910, was used as the basis for determining the quota of each State at the officers' training camps beginning August 27, 1917? If there is lawful authority for the use of estimates of population, why was not the same estimate used in apportioning the admission to these officers' camps as in the case of the draft quotas? To illustrate the injustice that has crept in by reason of the departure from the official census figures, permit me to direct your attention to the fact that Arizona is required to furnish a gross quota of 4,478 men, while but 52 of her citizens will be permitted to attend the second officers' training camp. Our sister State of New Mexico must provide a gross quota of 3,856 men, yet 83 New Mexicans will be given an opportunity to become officers in the National Army. In other words, New Mexico will furnish an excess of 31 officers whose duty will probably be to drill the 622 additional men who will be drafted from my State. If the census of 1910 had been adhered to in all cases, this evident unfairness could not have arisen.

In view of all this confusion, it seems to me that the only proper way for you to proceed is by promptly ascertaining whether or not an error has been made in departing from the census figures of population in apportioning the quotas of officers and men to the several States. I have, therefore, to suggest that you call upon the Department of Justice for a legal definition of the term "the population" as used in section 2 of the selective-draft act. If the Attorney General should decide that you are bound by the totals of the census of 1910, it will then be possible for you to right the wrong that has been done by equalizing the quotas when the second draft is made.

As the bureau which is most familiar with this subject in a practical way, it seems to me that the Census Office might be able to throw some light on the meaning of the word "population." I therefore respectfully request that you make suitable inquiry of the Director of the Census for his views on this question.

Speaking for the people of Arizona, I can truthfully say that they are not seeking a way to avoid their full duty in the present war. They will promptly obey the selective-draft law in both letter and spirit whenever the meaning of the act is officially interpreted.

Yours, very respectfully,

CARL HAYDEN,  
Member of Congress from Arizona.

Three weeks later I received this reply, to which I have heretofore referred, and which was prepared in Gen. Crowder's office. It states that the War Department "had nothing whatever to do" with the estimates of population and that it had a legal right to depend upon the Bureau of the Census for such estimates. The letter ends with the suggestion that the existing basis of apportionment be continued so as not to disturb the completion of the first draft and that any unfairness be corrected by future legislation.



WAR DEPARTMENT.  
Washington, September 5, 1917.

Hon. CARL HAYDEN,  
House of Representatives.

MY DEAR MR. HAYDEN: I have your letter of the 15th ultimo, in which you inquire:

1. By what authority the population of the States, Territories, and the District of Columbia, as estimated by the Census Bureau on July 1, 1917, instead of the population as ascertained by the census of 1910, was employed in determining the gross quotas of the several States, Territories, and the District of Columbia, under the first draft pursuant to the selective service act of May 18, 1917; and

2. By what authority the Census Bureau estimate of 1915, instead of the census of 1910, was used as the basis for determining the quota for each State at the officers' training camps, beginning on August 27, 1917.

By consulting the inclosed copy of the document, entitled "Estimates of Population \* \* \* July 1, 1917," it will be noted that those estimates were made by the Bureau of the Census of the Department of Commerce in pursuance of and for the purpose of the act of Congress "To authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917. That act of Congress, in section 4, refers to "the last census taken or estimates furnished by the Bureau of Census of the Department of Commerce" as a basis for determining the population of subdivisions of the several States and Territories and the District of Columbia, in order that local boards may be established. Section 2 of said act provides that "Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof," and also provides that the draft "shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act."

The President, under date of July 5, 1917, formally issued regulations governing the apportionment of quotas and credits, which had on June 15, 1917, been sent out to the governors of States and Territories in tentative form but substantially as finally issued. Section 4 of those regulations provides that "gross quotas shall be apportioned to the several States and Territories and the District of Columbia in proportion to the population thereof as determined by the Bureau of the Census of the Department of Commerce."

The Bureau of the Census of the Department of Commerce was selected by the President as the instrument by which population was to be determined for the purposes of said act of Congress. The wisdom and the fairness of this selection probably needs no argument to support it.

Complaints concerning the estimates of population furnished by the Census Bureau in May of 1917 were received by this office and no doubt also by the Census Bureau. Those estimates were necessarily prepared in great haste. Subsequently it was possible to readjust the estimates in the light of additional information, and new estimates were prepared accordingly by the Census Bureau as of July 1, 1917. Those estimates were embodied and published in Form 18.

It is a well-recognized fact that in recent years great shifts of population have taken place in this country. Growth in certain sections and certain centers has been phenomenal. The extent of these shifts of population can not be determined with mathematical accuracy until a new census is taken. Nevertheless it seems plain that an estimate prepared by census experts, in the light of available information, is more nearly indicative of the actual distribution of population between States, Territories, and the District of Columbia than is the latest census, taken more than seven years ago.

Two estimates recently prepared by the Census Bureau have been employed in connection with the registration and draft under the selective-service act. The first was hurriedly prepared in May of 1917 and was employed in connection with the registration and the organization of the selective machinery. The second was prepared as of date July 1, 1917, in the light of the latest information then available, and since its publication has been employed in the determination of the gross quotas to be furnished by the several States, Territories, and the District of Columbia. In each case the estimate was prepared in pursuance of and for the purposes mentioned in the selective-service act of May 18, 1917, and in neither case was the estimate employed as a basis of final official action until after it had been published.

As the estimates of population are the estimates of the Bureau of the Census of the Department of Commerce, with which the War Department has nothing whatever to do and upon which the War Department has a legal right to depend, and inasmuch as the first call was made for only 687,000 troops, would it not be the part of wisdom to allow the existing basis of apportionment to remain undisturbed until the first draft is entirely completed in order that it may then be determined whether in the interest of fairness throughout the Nation a new basis for any future draft that may be ordered should be prescribed by law? That portion of your letter which deals with the second question stated above will be taken up in a later communication.

Very truly, yours,

NEWTON D. BAKER,  
Secretary of War.

I might say at this point that I have never received a reply to my second question as to why the Census Bureau estimates of 1915 were used to determine the quota of each State at the officers' training camps. Neither has the Judge Advocate General been willing as yet to permit the Attorney General to pass upon the question as to whether he was in error when he departed from the census of 1910 in fixing the draft quotas. In view of Gen. Crowder's promptness in throwing the responsibility for the "estimate of population" upon the Census Bureau one would think that he might have consistently asked the chief law officer of the Government to relieve him of another part of his trouble.

Now, my purpose in bringing the arbitrary conduct of the Provost Marshal General and his subsequent efforts to evade responsibility for his acts to the attention of the House is not primarily to hold him up to censure. I am trying to do something more important than that. If section 2 of the selective-draft act had provided that the quotas of the several States must be determined in proportion to the population as ascertained by the last decennial census, there would have been no

room for evasion or argument. The blame for the omission of such specific instructions is therefore upon Congress. Having seen the evil effect of ambiguity, we should not repeat the mistake, particularly when we are dealing with that same official.

If Congress does not make any law dealing with the draft quotas so clear and simple that he who runs may read, I am warranted in saying that the Provost Marshal General will be sure to twist and distort it into something different from the measure that we think we are passing. It is for this reason that I favor the clarification of this legislation by the adoption of an amendment which will make it certain that the quotas of the several States shall be based upon the number of men actually liable to military service. The majority report says that such is the intent of the act, and the fairness of the proposal can not be denied. The actual wording of the bill does not compel anything of the kind to be done. Let us fix it so that hereafter there can be no dispute about doing the thing upon which we are all agreed.

The bill should be further amended to provide that credit shall be given to each State for the number of men who have entered the military and naval service of the United States. It is only by this method that we can do justice to the patriotism of thousands of men who have volunteered for service. The people of my State demand credit for the 672 men who were in Federal service as members of the First Arizona Infantry when war was declared, together with over a thousand voluntary enlistments in the National Guard and the Regular Army since that date. They also have a right to ask to be credited with the 646 sailors that Arizona has furnished to the Navy and for 52 marines. The officers who have been commissioned in the various branches of the service should also be entered in the count.

But the largest credit to which they are entitled and which otherwise would not be granted is for 3,472 men furnished under the first draft. An additional draft of 148 men departed about two weeks ago and 470 more men are now preparing to leave for Camp Funston on April 26. We also claim credit for several hundred men who have been inducted into various special and technical units of the National Army, none of whom were credited on the first draft nor since that time. It is only by giving credit for every selected man that the injustice done to the people of my State under the first apportionment of quotas can be corrected.

Up to this good hour Arizona has furnished more men in proportion to the number actually liable to military service than any other State in the Union. By that record we have earned the right to say that the forty-eighth star in the American flag is the Mars of the constellation. I want to see this bill amended so that credit shall be given for every son of Arizona who is now fighting for freedom and democracy on land or sea. [Applause.]

Mr. FIELDS. Mr. Speaker, this debate is getting interesting, and I think there should be a quorum present. [Cries of "Oh, no!"] Very well, I shall withdraw the point.

Mr. SHALLENBERGER. Mr. Speaker, I have seven minutes remaining.

The SPEAKER pro tempore. The gentleman has 12 minutes remaining.

Mr. SHALLENBERGER. Mr. Speaker, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I approached the consideration of this Senate joint resolution modifying the draft law with the expectation of supporting it, but the more I examine it the more clear it becomes to me that I can not properly support it in its present form, and the more I become convinced that it is neither wise, fair, nor equitable. We are all tremendously interested in the success of the coming draft. We want it to be fair, we want it to be just, we want it to be equitable, so far as that may be possible, to all sections of the country. As the law now stands the State quotas are based on estimated populations, each State and county furnishing the number of men which is its share according to population. Those estimated populations are, it is true, erroneous in many cases.

They were good enough to credit the State that I have the honor to represent with about 20 per cent more people than it is fortunate enough to possess. But we are filling our quota upon that basis and making no complaint about it. It was suggested by the gentleman from Nebraska [Mr. SHALLENBERGER] that this is a proposition to change the rules of the game after the game is called. It would be more accurate to say that it is a proposition to change the rules after the innings are half played. That practice is of doubtful propriety under any conditions, and as there is no extraordinary condition requiring it, I do not believe it should be done in this case. Why is the change suggested, approved, demanded? Because, forsooth, there has not been a uniform and equitable distribution of the men in the various States and in the various counties of the States in the



classification, and it having developed that certain counties and certain States have placed many more men in class 1 than other counties and other States, it is proposed to take advantage of the situation thus created and penalize the States and communities which have placed a large number of their men in that class. One does not like to discuss this matter from the standpoint of a local situation, but the whole subject can be best illustrated by local examples. For instance, in my State, according to the report of the Provost Marshal General, 40 per cent of all the classified men are in class 1—the largest percentage in that class of any State in the Union. In the surrounding States from 21 to 26 per cent of the classified men are in class 1, and under this resolution, this change of the rules of the game, we would be called upon to nearly double our quota, to supply almost twice the number of men, as compared with surrounding States, that we are called on to supply under existing law. Our people are patriotic. One-third of all the counties of our State have furnished so many volunteers that they have had no call under the draft.

Several counties of the State still have sufficient volunteer credits that without change of law they would be called upon to furnish few, if any, men under the coming draft. This resolution as it passed the Senate deprives us of all volunteer credits. In spite of that fact and situation our people are so tremendously interested in the success of this great enterprise of war in which we are engaged that they would, I believe, be willing, so far as they are concerned, to accept this additional burden if it were fair and equitable generally, but it is not, it is as unfair to many local sections of the country as it is to our people. Our boys have volunteered freely because they wanted to get to the firing line, and yet, under this change of law, all credits for volunteering are to be wiped out, and the communities that sent the boys to the front at the first call are to be placed at a disadvantage compared with the communities where volunteers have been few and far between. They are to be put to a tremendous disadvantage compared with those communities where easy exemption boards have placed a large part of the men in the deferred classes. Why do not the gentlemen who were most enthusiastic for the selective draft in its present form stand by their guns? They are now proposing to modify the system by putting in practice a rule that will call only the men who would be most likely to go under a volunteer system, for they are proposing to take the men who made no claim of exemption, who allowed themselves to be placed in class 1, even though many of them might have been exempted or placed in deferred classes at their own demand. Why, at this late date, are we to call to the colors only the men with the volunteer spirit, while the slacker who appealed through affidavits to be placed in the deferred class is to be left at home? Such a proposal violates the very essence and spirit of a selective draft, and in view of that fact I can not see my way clear to support the resolution in its present form. Why can not the draft go on according to the established rules of the game? Why can not the States continue to furnish their quotas according to the estimated populations or the total of men registered? Why can not we go on as we began, under the rule that these gentlemen themselves laid down? And why are the most patriotic communities to be called upon to furnish double their quotas? Why is one county to be called upon to furnish an increased quota compared with a neighboring county, or one State an enlarged quota compared with a neighboring State? Why are communities to be deprived of the credit they ought to have and the proud distinction that they claim of having been foremost in offering volunteers to their country's service?

Mr. BURNETT. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. BURNETT. Is not this really a penalizing of patriotism? Is not that just what the majority bill is?

Mr. MONDELL. That is exactly what it is. It is turning back on the essentials of the system that we adopted and under which one call has been made. It is proposed now, as the gentleman from Alabama well says, to penalize the communities that offered the most volunteers to the service, to penalize communities where the smallest number of men asked exemption, to penalize communities whose men come forward without claims of exemption and allowed themselves to be placed in the first class. Without the amendment offered by the gentleman from Nebraska this resolution proposes a rule that is flagrantly unfair, unjust, and inequitable. Gentlemen who imagine that as it applies to their States or districts as a whole, it will not, barring the loss of credits for volunteers, be inequitable, and therefore they are justified in supporting it, will learn much if they will examine the published lists showing the different percentages of men in class 1 in their various counties. They should consult those lists before they support this bill in its

present form. I have no doubt it was proposed in good faith, but it could not have been proposed after a careful study of the situation for I can not understand anyone desiring the draft to be as inequitable as this resolution unamended would make it. [Applause.]

Under the law as it now stands the State and local quotas under the draft, based on population, are understood, are definite, and are accepted as being settled, under the plan now proposed to fix the quotas on the men in class 1, with no credit for volunteers, and with further authority to draw from the deferred classes, the quotas are uncertain, indefinite, and, owing to the varying proportion of men in class 1 and the wide difference in the number of volunteers in many cases, inequitable. Under the present law, Congress has definitely fixed the basis of the quotas; under the new plan the determination of the number of men a given State or community shall furnish is largely left to the discretion of the Provost Marshal General.

While I am on the subject of military service I can not refrain from expressing the pride I feel in the record of my State in this war. Its people have responded nobly to every call in men, money, and material. Our quotas of bond issues for the Red Cross and for the work of the Y. M. C. A. have all been oversubscribed. In every community of the State our splendid women have given of their time, talents, and money in liberal and generous measure. They have bravely bid goodbye and Godspeed to their sons, brothers, sweethearts, and husbands and taken up the patriotic work of providing articles for their comfort in the field, in camp, and in hospital.

Nor have the war services of our patriotic women ended with war work. They have responded cheerfully to the advice and suggestions of the Food Administration and performed faithfully the duty of conserving the food supply of the Nation, and at the same time providing wholesome and nutritious food for the household in spite of rising prices, food embargoes, and doubtful substitutes hard to get.

Our stockmen and farmers have met the problems of labor shortage and increased costs with a heroic spirit and kept the farms and ranches up to the maximum of production of food-stuffs, so essential to the conduct and winning of the war, in the face of the most trying and discouraging conditions.

In the mines, on the railroads, wherever brawn and muscle, skill and endurance are applied to production and transportation of food and feed and fuel and all articles necessary to keep the wheels of enterprise turning, the Nation clothed and fed, and "the home fires burning," our men of skill and muscle have been true, faithful, and efficient.

In the matter of military service Wyoming's record has been such as to afford our people abundant reason for proper and pardonable pride. One-third of the counties of the State—to wit, Big Horn, Crook, Fremont, Hot Springs, Park, Platte, and Uinta—filled their entire quotas in the first draft by voluntary enlistments. Two counties—Park and Uinta—have volunteer credits remaining, and in the case of Park County the credit is sufficient to cover the probable quota under the second draft.

The State stands fourth among the States in the ratio of enlistments to the gross quota, and if we could have the credits due us for enlistments of Wyoming men in other States, would no doubt stand first. The acid test of service is to be found in the ratio of actual enlistments to gross quotas, and by this test Wyoming also stands fourth among the States, being exceeded only by States which by reason of their location furnished many men for the Navy and received credit for them.

The finest test that can be had of the physique as well as the spirit of a people is to be found in the proportion of men certified and accepted to those called; where this ratio runs high it reflects a high physical standard and a patriotic desire to serve. It is the final proof of the lack of weaklings and slackers. On this test Wyoming stands first in the official records of the draft. Fifty per cent, or one-half of the men called, were certified and accepted. The average for the country is 34 per cent, and in some States it was below 25 per cent.

I have already called attention to the fact that as our men stand classified for the second draft 40 per cent are in class 1. We may realize how high a percentage this is when we consider that the average for the country is a fraction less than 28 per cent and that in some States it is as low as 21 per cent. In our neighboring State of Utah the percentage of class 1 men is 22; in Colorado, 24; in Nebraska, 26; and in Montana, 31 per cent. It is this wide difference in the proportion of men in class 1 that renders the plan of basing quotas on class 1 men, as proposed by this resolution, so inequitable.

It may be claimed that our large proportion of men in class 1 is due to a considerable extent to the large number of unmarried men, but that claim is not sound, because neighboring States, with quite as large a percentage of unmarried men as we, have

far fewer men in class 1. Furthermore, the records show that with the exception of the States of Arkansas, Louisiana, and Mississippi, where there are large colored populations subject to the draft, a larger number of married men were accepted in Wyoming in proportion to those called than in any State in the Union. Class 1, it should be remembered, includes all married men who made no claim for exemption or deferred classification and also those whose claims for deferred classification were not allowed.

In this connection it is interesting to note the spirit of the men called for service as reflected in the claims for exemption. With our fine showing otherwise, we would perhaps be unduly puffed up if we stood at the very head of the list in this respect, but I think we may be proud of the fact that in this regard Wyoming stands fifth from the top of the list of States. This fine record is a splendid testimonial to the enthusiasm and patriotism of our people.

Such, briefly, are the outstanding facts of Wyoming's conduct toward and contribution to the war thus far. Our boys have gone freely with stout hearts and high resolves; our folks at home stand steadfast behind them, prompt and faithful in every good work and necessary sacrifice. Over yonder where the guns thunder are our valiant fighters, and over here are the faithful hearts and willing hands giving them support. We have confidence that our men on the battle line will give a good account of themselves and that the folks at home will do their full duty. In that assurance lies our faith in the ultimate victory of our cause.

Mr. SHALLENBERGER. Mr. Speaker, in the few minutes yet remaining before the close of the debate on this side, I want to make plain to the House and answer, if I can, the argument of the gentleman from Vermont [Mr. GREENE], who made the only argument that can be made to support this bill, and which the gentleman from California [Mr. KAHN] will undoubtedly elaborate. That is that the plan proposed by Gen. Crowder contemplates a nation war; that the thing we of the minority are contending for is a local matter. As a matter of fact, when you investigate the matter you must see that the plan that the minority is contending for is the national principle. If you have the call based on class 1 alone, it makes it a matter of the action of local boards of the different counties—becomes a matter of great local interest to the neighborhood. If the quota is based upon a military population, the action of the board can not change the number of soldiers to be furnished. Here is a tremendous responsibility—a responsibility of furnishing men to fight in this war—and we propose by the rule of military population to distribute that great responsibility fairly over the entire population of the United States. Our proposition is a national proposition. Their proposition makes it a neighborhood proposition. The Census Bureau pointed out to Gen. Crowder, as we learn from the speech of the gentleman from Arizona, that the proposition which we stand for was the fair proposition upon which to draft the country's manhood. [Applause.]

Mr. FIELDS. Mr. Chairman, before yielding the remainder of my time I just want to take time to say a word to the House. If the proposition of the committee prevails, no married men will be taken from their families in any section, so long as there are single men to be called in the country; but if the proposition of the minority prevails, married men will be taken from their families in some sections while there still remain uncalled unmarried men in other sections of the country. I now yield the remainder of my time to the gentleman from California [Mr. KAHN].

The SPEAKER pro tempore. The gentleman from California is recognized for 30 minutes.

Mr. MADDEN. Mr. Speaker, I think we ought to have a quorum present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] It seems quite evident a quorum is not present.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Beshlin	Curry, Cal.	Fairchild, G. W.	Goodall
Borland	Decker	Fess	Graham, Pa.
Britten	Delaney	Flynn	Hamilton, N. Y.
Buchanan	Dies	Fordney	Harrison, Miss.
Byrnes, S. C.	Donovan	Foss	Hewson
Candler, Miss.	Dowdell	Gallagher	Heflin
Carew	Drukker	Gallivan	Heintz
Carter, Mass.	Dunn	Gandy	Hensley
Costello	Elliott	Godwin, N. C.	Hicks

Hollingsworth	McLemore	Reed
Hood	Mann	Riordan
Johnson, S. Dak.	Meeker	Roberts
Jones, Va.	Miller, Wash.	Rose
Juni	Mondell	Rowland
Ketiner	Moon	Rubey
LaGuardia	Mudd	Sanders, N. Y.
Lea, Cal.	Neely	Sanford
London	Norton	Scott, Iowa
McAndrews	Parker, N. J.	Scott, Pa.
McIntire	Powers	Sears
McCulloch	Ramsey	Sells

Smith, T. F.
Snyder
Stephens, Nebr.
Sterling, Ill.
Taylor, Colo.
Temperton
Towner
Volstead
Walsh
Wilson, Ill.
Wood, Ind.

The SPEAKER. On this call 350 Members, a quorum, answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

LIABILITY TO MILITARY SERVICE OF CERTAIN REGISTERED PERSONS.

Mr. FIELDS. Mr. Speaker, the gentleman from California [Mr. KAHN] has been yielded 30 minutes.

The SPEAKER. The gentleman from California is recognized for 30 minutes.

Mr. KAHN. Mr. Speaker, no one can have read the speech of the English premier, delivered in the House of Commons last Tuesday, without becoming impressed with the seriousness of the European war situation and the magnitude of the task that confronts the American people. Lloyd-George, in speaking on the English man-power bill, announced a program that contemplated the drafting of men up to those 50 years of age; of drafting clergymen and putting them into noncombatant work; and of taking all men under 25 years of age now engaged in the industries and drafting them into the fighting force of Great Britain. He announced frankly that his country had met with a serious reverse, but he said that England will never quit until her last ship is sunk. Her spirit is dauntless. In that same dauntless spirit we will have to fight this war.

Let us not delude ourselves. The man power of this country will be needed to win this war. The men on this floor and in the Senate of the United States have already begun to figure, not in dollars and cents, not in hundreds of thousands, not in millions, but in billions of dollars. The men on this floor and in the Senate will have to figure as to man power in this country not in thousands but in millions. We will have to furnish in the final analysis, as I stated a moment ago, the man power to win this war. There are not going to be a few hundred here or a few thousand there; there are going to be millions of American fighters before we can hope to finish the struggle.

It matters not how we got into the war. We are in it, and no patriotic American will question his country's right in this crisis. We began the war because Germany served notice on us on January 31, 1917, that if our ships crossed a certain line which she herself drew on the Atlantic Ocean, which line under international law we had an absolute right to cross, she would ruthlessly destroy our ships and perchance sink and drown our people. She carried that threat into effect. Thereafter there was nothing for us to do but to surrender or to fight, and we determined to fight. [Applause.] And we have got to win the fight. [Applause.]

Certainly I have tried since this country entered the war not to minimize our difficulties. At times I may have seemed pessimistic in discussing the matter with my colleagues, but I think I understand the psychology of the German people. Members of this House during the past year have often thought that a condition had arisen in Germany when the people of that Empire were starving and that they would have to make peace. Conditions had arisen in Germany, or at least the newspapers told us they had arisen, which indicated that possibly there was going to be a revolution in that country, and therefore the central powers would have to make peace. Personally I constantly held that no such conditions prevailed in Germany. As I asserted a moment ago, I believe I know the psychology of Germany. Personally I maintained that we would have to win this war by force, and nothing but force. [Applause.] High authority in this country has come to that same conclusion quite recently, I am happy to say, and we might just as well face the issue that confronts us on the basis of force from now on. Therein lies our safety, our salvation, I believe. [Applause.]

It is almost a year since we passed the selective-draft law. That law was predicated upon the principle that it is the duty of every citizen to render service to his country, especially when that country is involved in war. It is a sound principle, and the American people have amply justified that law. They have accepted it in the spirit in which it was enacted. The conditions to-day in the National Army camps of this country attest the soundness of that principle. The splendid way the boys went to the colors from their various homes shows how sincerely the people stand behind that law.



To-day we are considering a proposition to amend that law. The pending resolution provides for the calling into the military service of certain classes of persons registered and liable to military service under the terms of the selective-draft law. It likewise is predicated on a basic principle. That principle is that the men who should first be called to the service of their country ought to be those who can be best spared with the least possible injury or disturbance to industrial, agricultural, or domestic relations. The proposed legislation takes these available from each locality in proportion to the resources of that locality.

That is what is involved in this bill. That is what the classification means. All those in class 1 under the questionnaire system have few ties, but the men in class 2 and class 3 and all the other deferred classifications are so industrially or socially related to the affairs of the Nation that to take them ahead of some of the others would be a serious disturbance of those relations. That is the basic principle involved.

It is claimed by those who signed the minority report that this plan is productive of inequalities. I grant that is so. Of course, there will be inequalities. But I contend there will be fewer inequalities under this plan than under the first draft. Therefore, in my opinion, inequalities have nothing to do with the quota basis. There are naturally inequalities in the 4,557 registration districts into which the Union has been divided. In some States the inequalities between these districts within the State have been very great. In the aggregate, however, when the entire country is taken into consideration, the inequalities between the States range less than 10 per cent, and these are due to various industrial and social differences. In fact, the new classification reduces inequalities and does not increase them.

England made her serious mistake by taking all men of certain ages at first, although they were connected with industries necessary to the winning of the war, and then sending them back again to reenter those industries. We want to avoid that. We want to keep the men that are necessary to agriculture, that are necessary to industry, that have families dependent upon them, as long as we can in this country before sending them abroad. Oh, no one can tell how long this war is going to last. We may be fighting for the life of the Republic within a year, and we must have these reserve classes in the final analysis to fall back upon for the maintenance of those very industries that will be needed to be kept alive to help win the war.

It was inevitable that the first draft, based upon population figures, could not be anything like correct. No census had been taken since 1910. The Census Bureau had to guess at the population in many of the rapidly growing manufacturing cities of the country. There will be no census taken in this country until 1920 under the Constitution. So the population figures have been misleading in numerous instances. But the classification figures form a safe basis from which to draw quotas.

But there is another consideration that has to be taken into account. We are not fighting this war as 48 separate States of the Union or 435 congressional districts of the Union. We are fighting this war as a great Nation. It is the Nation's war. It is not the war of any State. It is not the war of any congressional district. It is the war of every American, no matter where he lives. [Applause.] If we win the war—and we must win it—every State will share in the benefit, every congressional district will share in the benefit. But each separate division and subdivision of the American Republic must come wholeheartedly, patriotically, devotedly, to the assistance of the Government, and furnish its man power whenever called upon to do so by the Commander in Chief of the Army, the President of the United States. [Applause.]

In this crisis I contend that no man should take such a narrow view of the situation as to want to make a fight against the proposed legislation because his district may have to furnish a few more men than some other district. If any Member here should be defeated, the country will still be able to survive. There are none of us of such importance that our defeat would be a calamity, but our country's defeat would be a calamity that would have a serious effect on the civilization of mankind. Therefore I repeat we must win this war.

I am afraid those who have signed the minority report have taken too narrow a view of this matter. Suppose we were to follow their views to a logical conclusion in connection with the armies of our cobelligerents. Take the case of Great Britain. Suppose Scotland were to say to Wales, "We have furnished 5,000 more men than you, and we will not send another man until you have furnished as many as we have." What would be the position of England in this war? Suppose England were to say to Scotland and Wales, "We have furnished 10,000 more

men than you together. We will not furnish another man until you bring forth another 10,000." Where would Great Britain, fighting as a nation, end in this war? Suppose Yorkshire should say to Lancashire, "We have furnished more men than you. We will not furnish another man until you meet our number." Where would Great Britain be in fighting this war?

Take the case of France. France is fighting superbly, fighting nobly. She has won the admiration of the world. [Applause.] She is fighting as a nation. Under the arguments adduced here to-day Normandy ought to say to Brittany, "We have furnished more men than you, and we will not furnish another man until your number equals ours." Suppose Picardy should say to La Vendee, "We have furnished more men than you, and therefore we will not furnish another man until your quota equals ours." That would be the logical conclusion in Europe if the views of the gentlemen of the minority should prevail.

And what of Germany? What if Saxony and Bavaria and Wurttemberg and Baden should say to Prussia, "We have furnished more men than you. We will not furnish another man until you furnish as much man power as we have furnished." I wish to the Lord they would say that. [Applause and Laughter.] It would make our task a great deal easier. But Germany is fighting as a nation, and the sooner we begin to realize the fact that we, too, are fighting as a great nation that has fundamental rights at stake the better it will be for us and the better it will be for our cause. [Applause.]

I believe we have taken a long step in advance in this war. Our armies are not referred to nowadays as the Regular Army, the National Army, the National Guard Army. They have all been merged into one. They are referred to as the Army of the United States; and in the Army of the United States California has her sons, Wisconsin has her sons, Nebraska has her sons, Virginia has her sons. Every State in the Union has her sons, who have gone to fight for the cause of the Union in the Army of the United States. For me the cause of the Union in this crisis is paramount and the legislation for which we are called upon to vote to-day will enable us to furnish an army of men whose going "over there" with the American colors will do the least possible injury to our economic and social relations.

Mr. Speaker, I listened with a great deal of interest to the argument of my friend from Nebraska [Mr. SHALLENBERGER], the leader of the minority on this question. The only logical deduction I could make from his argument was this, that every local board in this country—and there are 4,557 of them—must be distrusted. That is evidently his conclusion. His argument indicates to me, at least, that they have not acted squarely, and that their work must be distrusted. I have no such view on the proposition. The members comprising those boards were men who were appointed to their positions because they had a known reputation in their respective communities. They were men of probity, of honesty, of integrity, and they did their work according to their lights. In some places they may have been too lenient, in other places they may have been too rigorous; but the Provost Marshal General has already sent a telegram to the governor of every State asking that in those districts where there seem to be an abnormal number of rejections or an abnormal number of acceptances the cases arising in such local board districts be investigated by special agents. These special agents are now in the field.

If they find that some of the boards have been too rigorous, they can order appeals to the district boards, and the district boards will see to it that the proper classification will be made. So, too, in the districts where there have been too many exemptions. The inspectors are out now, and if they find that the local board did not properly interpret the Provost Marshal General's instructions, they have ample authority to see that the district boards shall hear appeals, and those inequalities can and will be corrected. In fact, they are being corrected and will continue to be corrected right straight along.

But there is one other proposition involved in the amendment to be proposed by the gentleman from Nebraska [Mr. SHALLENBERGER]. He assumes, or must assume from the trend of his argument, that the conditions in every district are practically identical; that practically the same conditions prevail in every district throughout this country. Why, you all know that that is impossible. It stands to reason that in many districts conditions are so dissimilar that there must be a larger number of exemptions or a larger number of acceptances in some than in others. Yet the amendment proposed by the gentleman from Nebraska [Mr. SHALLENBERGER] is based practically on the proposition that in every district in this country the conditions are about the same. I deny that such a condition prevails.

My colleagues, I have heard it said that even assuming that we are going to have such a large Army as has been spoken of, it will be impossible for the American forces to be landed in

France, or to feed them in France. No condition has ever yet arisen in the United States of America that has baffled the ability of American statesmen and the American people. [Applause.] We will meet those conditions as they arise. We realize that we must win this war no matter how many men it may take, no matter how much treasure it may cost, no matter how long the time in winning it. We are but beginning the struggle now. Let us, by adopting this resolution, give the President every opportunity to take into the service of the Nation those men who can best be spared at this time. Let us take everybody embraced in class 1 before we begin anywhere with class 2. Therein lies our safety. Therein lies our power to win this war. Picture to yourselves millions of Americans leaving their homes, leaving their land to fight for American principles, to fight for American rights. You do not want at the very outset to pull away from their homes and families men who can not be spared. You want to take the men who best can be spared. If, God forbid, we shall ever have to go into class 2 or 3 or 4 to win this war, I know that Americans in those classes will go cheerfully and willingly. But do not let us take them until the country is driven to the extremity of taking them. [Applause.]

One word more and I have done. It has been suggested that you are not going to get credit for those who volunteer. Those who have volunteered have thus far been credited to the districts and the States.

The SPEAKER. The time of the gentleman has expired.

Mr. KAHN. Mr. Speaker, I shall then speak of this matter when we get under the five-minute rule. [Applause.]

The SPEAKER. The Clerk will read the resolution for amendment.

The Clerk read as follows:

*Resolved, etc., That if under any regulations heretofore or hereafter prescribed by the President persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," are placed in classes for the purpose of determining their relative liability for military service, no provision of said act shall prevent the President from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons in any class or classes except those exempt from draft under the provisions of said act, in proportion to the total number of persons placed in such class or classes in the various subdivisions of the States, Territories, and the District of Columbia designated by the President under the terms of said act; or from calling into immediate military service persons classed as skilled experts in industry or agriculture, however classified or wherever residing.*

Mr. SHALLENBERGER. Mr. Speaker, I have an amendment that I desire to offer to the bill.

The Clerk read as follows:

On page 2, line 5, strike out all after the word "act," down to and including the word "act," at the end of line 8, and in line 11, after the period at the end of the bill, insert the following:

"Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, called under the provisions of the act of Congress approved May 18, 1917, entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' shall hereafter be determined in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption, and credit shall be given on its quotas to any State, Territory, District, or subdivision thereof, for the number of men who have entered the military service of the United States from any such State, Territory, District, or subdivision thereof, since April 1, 1917, including members of the National Guard who were in the Federal service on that date."

The SPEAKER. The question is on the amendment.

Mr. SHALLENBERGER. Mr. Speaker, I wish to speak on the amendment.

Mr. GREEN of Iowa. Will the gentleman from Nebraska permit me to make a suggestion?

Mr. SHALLENBERGER. Certainly.

Mr. GREEN of Iowa. Would it not be well to agree on some time for debate on the amendment?

Mr. SHALLENBERGER. I suggested to the gentleman from Kentucky [Mr. FIELDS] that we should make some agreement as to time on the amendment, and he thought we had better go on a little bit under the five-minute rule, and then arrive at an agreement later.

Mr. STAFFORD. Will the gentleman permit me to make a parliamentary inquiry?

Mr. SHALLENBERGER. Yes.

Mr. STAFFORD. Mr. Speaker, the gentleman from Nebraska is proceeding under the one-hour rule, having offered an amendment, this being a House bill?

The SPEAKER. He undoubtedly is.

Mr. STAFFORD. I think there ought to be some agreement as to time and not run along without limit. Does the gentleman have any objection to the bill being considered under the five-minute rule?

Mr. SHALLENBERGER. I have no objection.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that the bill be considered under the five-minute rule.

Mr. SHERLEY. Reserving the right to object, literally the five-minute rule would permit a speech for and against the amendment of the gentleman from Nebraska, which presents the whole question by way of amendment to this bill, but I think there ought to be more debate than 5 or 10 minutes on a side under the five-minute rule. If we can have an understanding that those who have not been able to speak in general debate, who have been busy in other work, may have a reasonable opportunity to debate the matter, I shall not object.

Mr. DENT. May I make a suggestion to the gentleman from Kentucky and the gentleman from Nebraska that debate on this amendment be limited to, say, one hour, the time to be controlled by the gentleman from Kentucky and the gentleman from Nebraska.

The SPEAKER. The gentleman from Alabama [Mr. DENT] asks unanimous consent that debate on this amendment be limited to one hour, half of the time to be controlled by the gentleman from Kentucky [Mr. FIELDS] and the other half by the gentleman from Nebraska [Mr. SHALLENBERGER]. Is there objection?

Mr. SHALLENBERGER. May I be permitted to make a suggestion, that so many gentlemen have made application for time that I am quite sure that one hour is not sufficient, and I suggest to the gentleman from Kentucky that he ascertain how many Members want to speak for five minutes.

Mr. FIELDS. Mr. Speaker, so many Members have a desire to speak that I ask unanimous consent that the time be limited to two hours, one hour on each side, to be controlled one half by the gentleman from Nebraska [Mr. SHALLENBERGER] and the other half by myself.

Mr. CANNON. Does that cut off all other debate?

Mr. FIELDS. That is only a request to limit the time on the pending amendment.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that debate on the Shallenberger amendment be confined to two hours, one half to be controlled by himself and the other half by the gentleman from Nebraska. Is there objection?

Mr. WALSH. Reserving the right to object, is it the intention of the gentleman in yielding this time to yield only five minutes to a Member? There are several gentlemen who I think ought to have more than five minutes to discuss this amendment, who have not participated in general debate, and if they do it is going to require more than two hours. I do not think that necessarily the Members who desire to discuss the amendment under this arrangement should be confined to five minutes.

Mr. FIELDS. It is my intention to be fair and extend the time as far as I can. I hope that gentleman will confine themselves to five minutes as near as possible, because the rights of all Members are equal in the House, one man having just as much right to speak as another. I hope Members will confine themselves to five minutes.

Mr. CANNON. The committee is entitled to first recognition, and the committee consists of 21 members?

Mr. FIELDS. Twenty-one members.

Mr. CANNON. What does the gentleman think of an hour on a side for that?

Mr. SHALLENBERGER. Mr. Speaker, I suggest that we make it an hour and a half on a side.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that we proceed under the five-minute rule for the present, without fixing any time.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to proceed under the five-minute rule, without limiting the time. Is there objection?

Mr. SHALLENBERGER. I object. I think we ought to pass this bill and agree upon a time to debate it. If two hours are not enough, let us make it two hours and half.

The SPEAKER. Has anyone any request to make? If not, the Chair will recognize the gentleman for an hour.

Mr. BURNETT. Mr. Speaker, we have already spoiled the day, and we will likely not do anything more than this, and I suggest that we debate this matter for three hours.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that the debate on this amendment be confined to three hours, one-half to be controlled by the gentleman from Nebraska [Mr. SHALLENBERGER] and one-half by myself.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that debate on this amendment be limited to three hours, one half to be controlled by himself and the other half by the gentleman from Nebraska [Mr. SHALLENBERGER]. Is there objection?



Mr. BARKLEY. Mr. Speaker, reserving the right to object, does that include the amendment and all amendments thereto?

The SPEAKER. It includes the Shallenberger amendment.

Mr. BARKLEY. I desire to offer an amendment to the Shallenberger amendment. I desire to propound an inquiry as to whether I shall be shut off from debate of my amendment?

The SPEAKER. If the gentleman can get his amendment before the House now, you might debate the whole subject at one time.

Mr. FIELDS. Mr. Speaker, I shall modify my request by making it the Shallenberger amendment and all amendments thereto.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that debate upon the Shallenberger amendment and all amendments thereto be limited to three hours. Is there objection?

Mr. BARKLEY. Mr. Speaker, reserving the right to object, I will ask the gentleman from Kentucky as to whether or not I will be taken care of to debate my amendment during those three hours?

The SPEAKER. The Chair can not say what the gentleman from Kentucky will do.

Mr. FIELDS. Mr. Speaker, I will state to the gentleman that I will yield to him.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHALLENBERGER. Mr. Speaker and gentlemen of the House, there are two items only that I want now to bring to the attention of the House that were not presented heretofore, and I do not want to take more than a minute or two to do it. First, I want to call attention to the fact that when we passed this great draft law the Congress of the United States surrendered to the War Department the lives and the bodies of these young men of draft age with but two limitations only upon that department. You may search this law through and you will find only two possible limitations on the absolute power of the War Department over the lives of these men. One is—and I quote from the act—

Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population.

That is something they could not change. The population is determined. It is fixed. That was one safeguard that you put around it, that every section of the country should be treated exactly alike in asking this great sacrifice. The second is that credit shall be given upon those quotas for the number of men who are in the military service of the United States and the National Guard, or who have entered that service since the 1st of April, 1917. Those are the only two limitations put upon the War Department in handling these men. This resolution that is so carefully drawn is intended to and does take away the last limitation of protection that the Congress of the United States threw around this matter to protect the interests of these men.

This resolution provides that nothing in this act shall prevent the President of the United States from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons of any class or classes, except those exempt from draft under the provisions of the act. The first part of the act which it repeals is the one basing it on quotas, and the other is that which says that credit shall be given for volunteers. They tell you they have a classification now. Do you know that if you enact this law the Provost Marshal General can do what he has done before? He can change this draft classification to suit himself. If you repeal that provision of the present law, he can issue a classification that all of the men who are red-headed shall be placed in one class, that all of the black-headed men shall be placed in another class, and all of the light-headed men shall be placed in another class, and then he can say that he will keep the red-headed men at home, because the enemy can see them in the nighttime, and that he will take the black-headed over there, because they can not see them in the nighttime, and that he will use the light-headed men for day attacks. You say that that is absurd. Well, many absurd things are being done in certain bureaus of the War Department. And he can do another thing if you adopt this bill without amendment. He can classify all of the men from Iowa in one class, all of the men from New York in another class, all of the men of military age from any particular State in one class by themselves, and then he can call those men from different States in the order that he determines. He is in effect doing that already. The gentleman from Georgia calls your attention to the fact that he has asked for more men from Georgia than he has from New York in this new draft.

In the first call under the second draft no credit was allowed for the volunteers. I wrote a letter to the Provost Marshal Gen-

eral and asked him why no credit was allowed, and reply was made that credit was refused at present because he had to get a certain number of men, but that in subsequent quotas they expected to give credit to those entitled to it for volunteers. Now he is calling for more men from Georgia than he is calling for from New York, and he can keep on calling, if you repeal this law, until he has taken every man from Georgia under that draft quota as he goes on getting his 800,000 or his 2,000,000 men, and he may finally say, "I am going to take those fellows from New York next summer."

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. I can not be interrupted now. But, my friends, this war may be over in six months and those men from Georgia may go over there and get into the trenches while these other fellows remain here drilling. You surrender every protection of the present as to equality of liability to military service to these men who are over there fighting for us in the trenches, who are giving their lives for us.

Now, is the Congress of the United States going to attempt to repeal and take away from these drafted men every protection that the law gives to them at present? And yet that is what you do when you repeal this act. Now, I want to make this point and then I am done: The present law is attacked frequently because they state that it is unfair as between those communities having only a small alien population and those having a large alien population. Gen. Crowder is upon record that of this second call of all the men remaining of proper draft age he expects to get 2,200,000 certified for service and in class 1.

Every delinquent in the United States that failed to respond to the draft or answer the questionnaire is in class 1. We had in the last draft 3,000,000 to get the first million certified men from, and they had 252,294 delinquent from that 3,000,000 men. Every one of those are in class 1 if they are still delinquent. Now, he has called 6,000,000 men to draw his new quotas from, and we have the right to assume that since he got that number of delinquent men from the first 3,000,000 men it is only fair to assume he will get 500,000 delinquents from the remaining 6,000,000 men. If that is so, then he will get 750,000 delinquents in class 1. The gentleman from Arizona has pointed out the fact that he has had a telegram from the adjutant general of that State that in a certain county of Arizona more than half the men of class 1 are delinquent—Mexicans leaving the country to avoid service. Now, these are some things in this bill I want you to understand. Mr. Speaker have I used five minutes?

The SPEAKER. The gentleman has an hour and a half.

Mr. SHALLENBERGER. I shall not use much more time, as there are many other gentlemen who have applied for time. The Judge Advocate General says we should secure for service 2,200,000 men. He only claims that many by counting also the boys he expects to get when you allow him also to take in the million boys that have come of age since the declaration of war. It is in the Record that 1,500,000 men are all the men expected to be furnished this country from the boys called from class 1, taking those men absolutely fit for service, unless we include also those 21 since last June. As I stated yesterday, gentlemen of the Congress, if you limit this class to class 1, we can not possibly get the size army that we will require; and the contention is made and the only argument that I have heard that seems to appeal to a great many gentlemen with force is that class 1 excuses married men. Now, gentlemen tell you that class 1 excuses married men. Do you know how many men in the United States did not claim exemption under class 1? Sixty per cent of all the men that went in did not claim exemption.

We do not know whether they are married or not. Thousands of married men are in class 1. Do you think that those counties that have got 75 per cent of all their registrants in class 1 have not got married men in that class? Every married man that a board thought did not support his wife is in class 1. Every married man who they thought had enough money to support his family without him, and that he ought not to stay at home, is in class 1. Every married man who did not claim exemption as having dependents is in class 1. Nobody knows how many married men are in class 1.

Mr. SABATH. Will the gentleman yield?

Mr. SHALLENBERGER. I will yield.

Mr. SABATH. The local boards have the power to classify so; for instance, in the case of Nebraska, it was up to the local boards to properly classify them, is not that true?

Mr. SHALLENBERGER. Yes, sir.

Mr. SULLIVAN. If there is a fault anywhere it would lie with the local board?

Mr. SHALLENBERGER. The local boards when they classified the men did not know that was going to be the basis for quotas. Now, as to the classification, and I want to say with regard to that, that I am glad the gentleman brought it to my at-

tention, that those of us who advocate this amendment do not propose to do away with Gen. Crowder's classification at all. Our contention is that the classification is a proper thing. Of a thousand men of draft age in a certain county we say that county shall be required to furnish the same number of soldiers as any other county of the same military population, and we propose under this selective plan to allow that board to determine the order in which they shall be taken. If a county has a large number of men of military age and a call goes forth for those men and the men refuse to go as volunteers, what are you going to do to the boy who has the courage to go? Is it not the purpose to take that fellow who ought to go and did not go? Is not that the purpose of the law?

Mr. SABATH. Is it not much better even to take those who are desirous of going and ready to fight than to take a lot of cowards and slackers who do not want to serve their country?

Mr. SHALLENBERGER. That is the object of my amendment.

Mr. PHELAN. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. PHELAN. Will the gentleman point out in the committee bill specifically what there is to prevent the President from taking class 2 men when he sees fit, even though he desires to take class 2 men before all of class 1 are exhausted?

Mr. SHALLENBERGER. He can. He can take all the men, if we pass this bill, in any class that he sees fit. We have repealed all restrictions as to that.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. STEVENSON. Then why should not the apportionment be based on all the men of these four classes, because they are all made liable to be called under this bill at the same time?

Mr. SHALLENBERGER. Yes. Some have misunderstood my language when I say that the quota should be based upon those men of military age, liable to military service. That includes the four classes. Under the classification every man who is not liable to military service is in class 5, so that in these places that have a large alien population every alien claiming his alienage is in class 5, and he is not counted. The only distinction I make from those who are liable to military service, I say, is including those aliens who waive exemption, and I do that because under the ruling of the draft board every alien who is willing to fight and waives his exemption is placed in class 1, so that under my amendment every soldier who is willing to fight is allowed to go to the front, and each county furnishes its quota according to its population.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. REAVIS].

The SPEAKER. The gentleman from Nebraska is recognized for five minutes.

Mr. REAVIS. Mr. Speaker and gentlemen of the House, it is with great reluctance that I oppose the amendment of my colleague from Nebraska [Mr. SHALLENBERGER], but this matter has been agitated to such an extent in my State that I feel that it should be my privilege to briefly give my reasons for opposing the amendment.

The debate has indicated that certain territorial divisions of the United States have been independently classifying as soldiers all men liable to military service. On the contrary, the United States itself, as a nation, through regularly authorized agents, has been taking a census of man power within this Nation. These agents have selected for class 1, presumably acting honestly and in good faith, those men who are best fitted to bear arms for their country. They have put into class 1, as I understand it, those men who in large measure, or the greater proportion of whom at least, are without dependents at home, who can be best spared from the employment the curtailing of which would materially reduce the military efficiency of the Nation.

There never was a time when the Republic needed efficient soldiers as it needs them now. It is useless for us to deny or minimize the tragedy which the cause of civilization now faces. Disaster lurks just around the corner in France.

Roumania has made a separate peace; Russia has collapsed; Italy is driven back to the plains; the western front is 2 miles nearer Paris than it was on this date two years ago. What is there in the present condition to justify the belief that this war can be won without the greatest assistance from us of which the Nation is possessed?

With that idea in view, the man power of the Nation has been classified. Into class 1 has gone that type of man whose mind will be unfretted by anxiety and worry for dependents left at home. He will have nothing to divert him from the stupendous

task allotted to him. Class 1 is made up in large measure of the lads who are searching life for its adventures, and who will seek upon the fields of France the opportunity that hearts unafraid have searched for since the world was young. An army of such as these when assembled will be the most potent military force that ever troubled the earth with martial tread. In this day of apprehension it is not essential what city or county or district or State shall claim them, for they come as soldiers of the Republic, not as citizens of a community. [Applause.]

This is not a county war, nor a congressional district war, nor a State war. This is the war of the Nation. Never since the old bell clanged out the announcement that a new Nation was born has the Republic faced such a crisis; never during its glorious history has the Nation had the opportunity for world service that it has at this hour.

Already we fight side by side with those with whom we make common cause. Already, beyond the sea, American boys are thrusting their strong young bodies between the advancing hordes and the Nation they serve. In the trenches, hollow-eyed with fatigue, grey of face from weariness, struggling, panting, sobbing from exertion, the American soldier seeks to stop the advance of those who are bent on the destruction of all that you and I hold dear. Why, even as I talk to you in the fading light of this day, boys, American boys, lie with torn and twisted bodies, mere huddles of clothes, with white upturned faces in the blood puddles of France. The wires beneath the restless waters of the ocean are singing with the burden of appeals for help that they carry. Appeals from France, from England, from Pershing. Efficient help and immediate help. But with our ears dulled we debate as to whether Waterloo, Iowa, shall furnish more or less men than Cedar Rapids. We are calling upon the citizens of the Nation, for in this hour nothing but the country counts. In this day of peril if every man able to bear arms and to be of military service to the Nation lived in my State I would bid them go, for they would go to defend the Nation without which there would be no State.

Because the exigency is national in aspect, and because the need for efficient soldiers is so great, I oppose the amendment.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield 15 minutes to the gentleman from Alabama [Mr. DENT].

The SPEAKER. The gentleman from Alabama is recognized for 15 minutes.

Mr. DENT. Mr. Speaker, I do not see why there should be so much feeling over the proposition involved in this bill as has been displayed in the debate. Whether you adopt the proposition proposed by the War Department, which is sponsored by Gen. Crowder, a very able man, or the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER], you do not add one single solitary soldier to the forces of the United States. So that it is useless to talk about raising a big army by adopting the War Department plan instead of the Shallenberger plan. You do not add a single man to the military forces of the United States, and I am getting awfully tired of the propositions that are being advanced by the newspapers, criticizing Congress because it does not absolutely adopt everything that the War Department proposes. [Applause.]

So far as this bill is concerned, for instance, there appeared in the morning press the statement that I was opposed to the bill and that the gentleman from California [Mr. KAHN] was leading the fight for it. As a matter of fact, under an agreement between the gentleman from California and myself, the time in favor of the bill is controlled by the next ranking Democratic member of the committee, Mr. FIELDS. Now, it is not fair that Congress should be continually criticized because we happen to exercise some little judgment and opinion as to what the character and the nature of legislation should be in order to carry on this war. [Applause.] So far as I am concerned, I have been holding back the report of the Army appropriation bill, because I want to know, when the Secretary of War returns from France, whether he wants a million and a half men that they have asked now or whether he wants 3,000,000 men; and if he wants 3,000,000 men, I am going to vote for it. [Applause.] There is absolutely no difference of opinion between the members of the Military Committee, so far as supporting the War Department and the administration is concerned, except as to matters of detail.

Now, I have heard a great deal of discussion here to-day about the difference between the plan proposed by Gen. Crowder and the amendment offered by the gentleman from Nebraska. Let us see what it all means. In a nutshell Gen. Crowder's proposition gives to each local board the opportunity and offers the temptation to eliminate from class 1 those who might have some political pull and influence.



Under the plan proposed by the gentleman from Nebraska [Mr. SHALLENBERGER] there is recognized the classification proposed by the War Department. He recognizes the fact that there ought to be a call, first, of men who have no dependents, but he says that they ought to be called from class 1 first, not in accordance with the number that the board puts in class 1, but in accordance with the number totally liable for military service under the law that has been enacted. [Applause.] Now, is there anything unfair in that proposition? Are we unpatriotic because we support a proposition like that? Are we to be charged with not supporting the administration and the war because we say that each community should furnish from class 1 its proportion in accordance with the total number liable for military service?

Mr. PHELAN. Will the gentleman yield for a minute?

Mr. DENT. Yes.

Mr. PHELAN. What does that mean—the first four classes—"the total number liable for military service?"

Mr. DENT. It means all liable to service.

Mr. PHELAN. The gentleman will admit that under the proposed amendment it is possible to exhaust class 1 and go into class 2 in one district and not in another, is it not?

Mr. DENT. That may be possible, it is true, and it is also possible that one county in one State could exclude men who ought to be in class 1 under the program proposed by Gen. Crowder, whereas another county would live up to the law.

Mr. SHALLENBERGER. And it is possible, under the bill as asked for by Gen. Crowder, to go in and take all of classes 2, 3, and 4 before taking those from class 1.

Mr. GORDON. He can also take all the men he calls for from one State—is not that true?

Mr. DENT. He certainly can.

Mr. GORDON. There is no mistake about it.

Mr. FIELDS. The very fact that he can would obviate the objection that men might be placed in class 2 instead of in class 1. His department has authority to do that.

Mr. DENT. Of course, it has authority to do it, but that is not the program that Gen. Crowder told us he was going to carry out.

Now, there is another proposition involved in this. I want an army just as much as anybody else; but, as I said in the beginning, you do not add anybody to the military service by this bill. We deliberately, under the act of May 18, 1917, commonly known as the selective-draft law, provided that every community should be given credit for volunteers in either the Regular Army or the National Guard. The proposition of Gen. Crowder absolutely repeals that idea. The amendment of the gentleman from Nebraska [Mr. SHALLENBERGER] preserves it. I have been so worried over this situation—

Mr. FIELDS. The gentleman is referring to credit for volunteers?

Mr. DENT. Yes. If the gentleman will give me time, I will state that more fully.

Mr. FIELDS. Is not the gentleman aware of the fact that that question is not the issue in this amendment?

Mr. GORDON. Oh, yes; it is.

Mr. DENT. Certainly it is.

Mr. FIELDS. I understand the gentleman divided his amendment.

Mr. DENT. No; the gentleman is mistaken about that.

Mr. HARDY. Will the gentleman yield?

Mr. DENT. I yield to the gentleman from Texas.

Mr. HARDY. Will not this law and the amendment of the gentleman from Nebraska both repeal the original law, which provided that quotas should be furnished by States in proportion to their population?

Mr. DENT. Undoubtedly.

Mr. HARDY. Both repeal that.

Mr. DENT. Yes.

Mr. GORDON. It has never been carried out, anyway.

Mr. HARDY. So that with either one of these amendments adopted we would go to making each State furnish its quota in proportion to the number of those who seem to be liable for military service?

Mr. DENT. That is the interpretation of the War Department.

Mr. HARDY. And a State, with its population composed one-half of foreigners, will be called upon to furnish its quota in proportion only to those liable to military service?

Mr. DENT. Undoubtedly.

Mr. KINCHELOE. Will the gentleman yield?

Mr. DENT. I yield to the gentleman from Kentucky.

Mr. KINCHELOE. The gentleman just stated that if the original bill passes it will do away with credit for all those who volunteer. Now, under the original law, all those who volun-

teered got credit under the first draft. Is it not a fact that the gentleman really means that if this original bill is passed there will be no credit, only for those who have volunteered since then.

Mr. DENT. That is exactly what the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER] seeks to correct, and under his amendment credit will be given for those men who have volunteered in either the Regular Army or the National Guard since then.

Mr. KINCHELOE. Since the first draft?

Mr. DENT. Yes.

Now, Mr. Speaker, one other question. I started a few moments ago with a statement to the effect that under the act of May 18, 1917, credit was given for volunteers. I have been exceedingly worried and anxious to have bills coming from the Military Committee receive unanimous support from every member of that committee—this is the second bill about which there has been any difference of opinion. I have taken no stock in this fight one way or the other up to this time. I took this matter not only to Gen. Crowder, to the Acting Secretary of War, but to the President himself, and voluntarily, on the 26th of March, the President wrote me this letter:

THE WHITE HOUSE,  
Washington, March 26, 1918.

MY DEAR MR. DENT: After my brief conference the other day with you and two of your colleagues of the Military Affairs Committee, I laid the matter we then discussed before the Acting Secretary of War, and he has sent me the inclosed memorandum. I must frankly say that I find the arguments contained in this memorandum very hard to answer. The whole thing is very debatable, but, on the whole, I think the weight of the debate lies on the side of the contention of the War Department.

That is in favor of the first proposition offered by the gentleman from Nebraska [Mr. SHALLENBERGER], the President himself admitting that the proposition is exceedingly debatable, and therefore nobody can be criticized, I think, for voting either way.

It may be, as they say—

Continuing the reading of the letter of the President—

that in giving credits for voluntary enlistments under the new draft no "useful purpose" would be served, but I think, nevertheless, that it would be perfectly proper to include such allowances in the new law.

Cordially and sincerely, yours,

WOODROW WILSON.

[Applause.]

Mr. SHERLEY. Will the gentleman yield?

Mr. DENT. I yield to the gentleman from Kentucky.

Mr. SHERLEY. Is there anything that requires the House to take all of the Shallenberger amendment in order to deal with the question of giving credit for volunteers?

Mr. DENT. Why, certainly not. It is a divisible proposition. The gentleman is a good parliamentarian, and he knows that.

Mr. SHERLEY. But there seems to have been such an effort to tie them together, so as to make the House take all or none, that I wanted the gentleman's opinion.

Mr. DENT. I think it is a divisible proposition, but I do not care whether they are tied together or not. The gentleman from Nebraska came to me and asked me whether or not I thought the proposition was divisible, and not being a parliamentarian, like my friend from Kentucky [Mr. SHERLEY], I went to the gentleman from Georgia, Judge CRISP, and asked his opinion, and he told me it was, and I accepted his opinion on the subject. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FIELDS. Mr. Speaker, I yield seven minutes to the gentleman from Massachusetts [Mr. OLNEY].

Mr. OLNEY. Mr. Speaker, I am strongly in favor of the Crowder plan for the next draft, and against the Shallenberger amendment. I represent a population of 265,000. In my district is a voting population of nearly 60,000, showing you that I have no sectional interest but certainly a sectional pride, and that I have no large foreign population in my district. For the information of the House I would like to attempt to show you that some credit is given in the next draft to the volunteers who have already gone out into the service of the Nation.

The gentleman from Kentucky [Mr. FIELDS], on page 123 of the hearings before our committee, in discussing this bill, says:

Mr. FIELDS. For instance, the county of Bracken, in Kentucky, had no draft; they had no men taken by the draft. They had 52 more enlistments than their quota under the draft. How would that county be affected?

Gen. Crowder. They would take the reduced strength of class 1 in that community, due to the fact that all these men had been transferred to the service, as the basis for determining the number of men to be taken from that community into the second draft.

Then Mr. HULL of Iowa asked this question:

Mr. HULL. That means that we must accept the principle and not claim any credit for all the National Guardsmen who have already gone in.

Gen. CROWDER. You get credit in the way I have suggested. The basis for determining credits is the strength of class 1. If you have had a large number of enlistments, the number of men in class 1 is correspondingly reduced, and therefore you work out a smaller quota for that community under the new rule than under the old rule.

Yesterday the gentleman from Nebraska [Mr. SHALLENBERGER], in his most eloquent speech, said:

Let us have done with foolish fancies about winning this war or fighting with ships, with speeches, etc. This war will be won and can only be won when we put more fighting men in France than the central powers of Europe can muster.

To be sure, Mr. Speaker, we have the men here. It is acknowledged that we have nearly 2,000,000 men under draft, many of whom volunteered, and we must feed these men. These men must be clothed and ships must be built to send these men across the water. I am in favor particularly of the Crowder plan of drafting because it drafts according to eligibles and not population. I have no large foreign population in my district, perhaps, except in one city, the city of Quincy, the home of the Fore River Shipbuilding plant and the Victory plant. In one of these plants are employed 8,000 men working in two shifts. In going through this plant more than a year ago I ascertained that 2,500 men could not speak a word of English.

The city of Quincy in the first draft exhausted nearly 40 per cent of its eligibles, and why should the city of Quincy be penalized by going on in the old way according to population because it has a large foreign population—2,500 men in that city building ships which are of prime necessity in winning the war. These men are just as useful in their occupations as many of the men who have gone into the draft service.

The President and Secretary of War may approve this plan or that plan; they have not as yet indicated that they are for this amendment or for the Crowder plan, but I should prefer to take the dictation of the Provost Marshal General whose function is to carry out the plan for raising the next draft army. He is in the position perhaps of my father, the proprietor of a woolen mill, who knew all about the buying of wool and the sale of woolen goods; but he did not know, perhaps, about the intricate and special work of the sorting room, the weaving room, or the carding room, but left the functions of that important duty to his boss sorter, the boss carder, the boss spinner, and the boss weaver, and yet he was the actual administrator of the woolen mill, as the President is the Commander in Chief of the forces of the Army, and the Provost Marshal General is the particular officer designated by the Government to propose draft legislation, and he has worked out the first draft with notable ability and efficiency.

Gen. Crowder has worked out a splendid plan for reinforcing the Army of the country, and his wisdom can be absolutely relied upon. This is no district matter, it is not sectional, not a proposition of the State, but is of national consideration. My own town of Dedham, with a population of 11,000, has sent to the war in volunteers and in other capacities 400 men. In the first draft its quota amounted to about 70 men, showing you that there is no sectional reason for my favoring the Crowder plan; but it is just a matter of eligibility and the fairest way to raise the next quota of 500,000 men for service in France. [Applause.] Mr. Speaker, I yield back the balance of my time.

Mr. FIELDS. Mr. Speaker, I yield seven minutes to the gentleman from Pennsylvania [Mr. CRAGO].

Mr. CRAGO. Mr. Speaker, I had not intended to speak on the measure because I thought it was so fair in all of its provisions that it would hardly be necessary to appeal to the House to enact this necessary legislation. I regret very much to differ from the distinguished chairman of the committee, for whom I have the highest regard and who, I believe, is working to the best of his ability to form, equip, and provide for a splendid Army for the United States. I think that Gen. Crowder in his splendid presentation of this matter before the committee has simply given the country and all of us the benefit of practically one year's actual experience in the operation of the so-called draft law. And I believe that the classification as arranged for, which has been carried out, is a step in the right direction. In other words, the local boards have decided by scanning the questionnaires which have been submitted to them, regardless of whether exemptions have been claimed, who in their communities belong in these different classes. The Shallenberger amendment presupposes two things. First, that you can not trust the local boards in the different communities to do their duty.

I want to ask the gentleman from Nebraska [Mr. SHALLENBERGER] whether he is afraid to trust the local boards in his own State? I want to say here that my own experience has been that these boards are trying just as conscientiously as any men can to do their whole duty. All of our laws are administered through human agencies, and these men are courts ad-

ministering this law, just as the judges and the juries of our local courts administer all of our laws, and I say it is absolutely absurd to claim that we can not trust the men who have been selected for these boards to do what they know is right in making these classifications.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. SHALLENBERGER. The gentleman, of course, understands that no draft board had any idea when it classified these men that it was going to determine the percentage of men that was going to be sent?

Mr. CRAGO. I am not so sure about that, but I venture to say that the boards in this country did their duty as they saw it when they put these men in the classes where they belong. The amendment which the gentleman has offered presupposes another thing, and that is that conditions are the same, economically, industrially, socially, all over this country. We know that is a fallacy. They are not the same, and these boards in doing their duty to the utmost will necessarily find in some of our communities class 1 will be small and class 2 larger and class 3 still larger. You can not take our entire country and so standardize our conditions as to make the classes the same in all of them. Our whole draft law was based on the idea of furnishing to the service of the United States the men most available. These men have been classified by our local boards, and is it not the fairest thing to take from that classification No. 1 the men who have been placed there before we touch any other class? "Oh," but it is said, "they have the power to take men from any class." I have heard that repeated several times. Any member of the committee surely knows the purpose of that language as it was explained to us by Gen. Crowder, namely, this: These local boards, by reason of a man's environment, by reason of the fact that he may be the pivot man in some industry, will put him in a deferred class, but the time will come perhaps when that man will not be needed in that community for that particular purpose, when he is more necessary to the Government by reason of the fact which gave him his deference into that class, and, consequently, if the Government needs so many expert carpenters, so many expert electricians or mechanics of any kind, they can go into those other classes and take them from those classes only when the President has decided it is for the best interests of the Government rather than the community to take these men out of the other classes. I think some of the members of our committee have forgotten the testimony that was voluntarily given before our committee when a Member from Texas brought in some of his constituents from along the border and they said to us: "Gentlemen, under this present plan of assessing quotas you have absolutely robbed us of all of our American citizens within the draft age. We have in our community so many men who have come across the border who are not subject to this draft that in order to furnish our quota you have absolutely robbed us of our entire citizenship between the ages of 21 and 30."

That made an impression on our committee at that time, and that situation is exactly what this classification plan will correct.

The great stumbling point, as I see it, is the misunderstanding as to giving credit for the volunteers. I want to say this, and I wish I had time to go into it further, that we did get credit in the local communities for the men who went voluntarily into the National Guard organizations, and that was the real purpose of putting that provision into the draft act. Most of the volunteering since that time has not been in the line of the Army, and to-day they are not taking volunteers in the line of the Army for which these communities can get credit. They are taking them for technical purposes, and they are being urged for this or that particular purpose, but not for the line of the Army. There is no great argument in that, because the community is not doing itself justice when it asks that the individuals who want to stay at home be protected by reason of the fact that patriotic young men have been found to volunteer for this technical service in the Army. You are not protecting any community; you are taking from that community and its industrial life more of its strength than you would take under this classification system, and you are only protecting the individuals who would be left at home, who do not want to serve, because the community will have sent the same number of men into some service—not into the line of the Army—and they are getting credit for them, not as a community, but the individuals who stay at home are getting credit for them. It seems to me that would not appeal to anyone. We have had our credit for our volunteer organizations—namely, the National Guard—and why should any community ask this in behalf of the individuals in class 1 who want to stay at home? It results in their asking it for those individual persons who are



benefited, and they are the only ones who are benefited at all by this so-called claim for exemption. Indirectly they are getting credit anyhow, because the men within the draft age who go into any arm of the service voluntarily go directly out of class 1. At least 90 per cent go from that class. Therefore class 1 is reduced to that extent, and the district will not be required to send as many men as they would otherwise.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. FIELDS. Mr. Speaker, I yield seven minutes to the gentleman from New York [Mr. LUNN].

Mr. LUNN. Mr. Speaker, considerable feeling has been aroused by the Shallenberger amendment. Supporters of this amendment, of which I am not one, have made statements insinuating that the local draft boards would use their power in an unfair and unjust way. On the floor there have been suggestions, if not absolute accusations, to the effect that if the quota is based on the total number of those eligible to military duty in class 1 that the local boards would discriminate and put some men in class 2 who ought to be in class 1. This is an insinuation and accusation against the fidelity of the local boards. I contend that any indictment of a draft board is equivalent to an indictment of the Government itself. It is an indictment of the selective-draft law, which constitutes the bulwark of our present and future Army. If we can not trust these 4,500 boards to act as fairly and justly as boards humanly can, then our whole system fails. If it is true, if the suggestion is at all valid, if it is possible or remotely probable that these draft boards would fail justly and fairly to consider all the facts with regard to each case, then these draft boards should be shot at sunrise. I can not conceive of anything more damnable than for a draft board, dealing with human lives, to do otherwise than their very best, to deal justly and fairly with every young man coming before them for consideration. Personally I have the greatest confidence in the fidelity of our local boards, and I do not believe that the great mass of them would ever consciously do anything but the fair thing and the right thing. They have given strenuous labor to their task and have sought to do justice in exercising their great powers. These boards have tremendous responsibilities, and involved in these insinuations that the draft boards are going to put men in class 2 in order to escape the draft is an indictment of the whole selective-draft system. The day will come, if it is not already here, when the Nation will recall the selective-draft law as the salvation of the country at a time when we faced our greatest crisis. It was with regret that I listened to other insinuations to the effect that Gen. Crowder had not been open and above board in all his work.

Too great credit can not be given to Gen. Crowder for the splendid manner in which he has accomplished the great task placed upon him by the Government. He has worked early and late, amid many provocations, seeking only to act justly under conditions which could not but bring forth criticism from one source or another. It would not be humanly possible to raise a great army in the short time in which our Army was raised without injustice of one kind or another. But I, for one, believe that the Provost Marshal General based all his actions on fundamental principles involved in the selective-service act and deserves not the condemnation that has been meted out to him by some, but words of praise and commendation for the tremendous task he has achieved.

The Nation has accepted the selective-service law with that splendid spirit that always characterizes our people. If this draft law is wrong, abolish it. I am one who fought consistently for it, and I believe in it now as the only democratic method of raising an army, and I want to see it perfected.

Mr. McKEOWN. Mr. Speaker, will the gentleman yield?

Mr. LUNN. In a moment.

I want to see it perfected, so that the selective character of the draft can be more effectively carried out. This bill without the Shallenberger amendment carries out the purpose of the selective-service law better than in any other way. It would take as a basis for the quota the total number eligible for military service in class 1. And who are those in class 1? The young men who are most able to serve; those who would be most effective in the Army. The great majority of them are unmarried and without dependents. It has been the purpose of the questionnaire to place those who are married and have dependents in class 2. That being the case, it seems to me we are following out the spirit of the selective draft as we have not been able to follow it out heretofore, owing to our lack of experience when we first adopted the law.

Now I yield to the gentleman from Oklahoma.

Mr. McKEOWN. I just want to ask the gentleman if he stood by his statement that, in a certain event, it ought to be

abolished. Would not the adoption of this resolution abolish the principle of the selective-draft law?

Mr. LUNN. No; it would not. I am speaking now against this Shallenberger amendment. Insinuations have been made to the effect that we can not trust the local boards. The gentleman would be the first to invoke the severest penalty on any board who would be guilty of giving any man deferred classification who ought to be in class 1.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. LUNN. Yes.

Mr. COX. I would like to get the gentleman's viewpoint on this proposition, if I can make myself plain: What would be the remedy in the event a local board would not put in class 1 the men who ought to be there? Or what would be the remedy in the event a local board put in class 1 the men who ought to be put in classes 2, 3, and 4?

Mr. LUNN. If it can not be covered by regulation, it should be covered by law if they purposely and willfully do that thing.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield?

Mr. LUNN. Yes.

Mr. SHALLENBERGER. Is it not a fact, since you raised the question of the draft board's honesty, that certain draft boards have been removed in your State because they were corrupt? [Applause.]

Mr. LUNN. Yes. We should do that. But the fact that one man is guilty of robbery in America is not an indictment of the whole population, and the fact that we have removed a board simply shows the determination of those in charge of the draft to penalize as far as possible those who would do wrong. [Applause.]

Mr. COX. Does the gentleman think there is any danger along that line?

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. LUNN. May I have two minutes more?

Mr. FIELDS. I yield to the gentleman from New York two additional minutes.

The SPEAKER pro tempore. The gentleman from New York is recognized for two minutes more.

Mr. LUNN. Mr. Speaker, I want to say just a word as to the statement made that we are penalizing patriotism by this bill. We are not penalizing patriotism. The whole Nation has volunteered, and the selective-service law simply calls in his proper turn the young man at the time needed and in the way needed. I do not believe that credit to the community should be given for men who for one reason or other volunteer over the men who are kept until they are called in the draft, and would as gladly go in advance of the draft as they do when called to the colors. The basis of our Nation's life is on the principle of universal service. Not military service, for it is impossible for all to serve in the Army, but we are all universally obligated for service to the Nation. Let me also emphasize as strongly as I can, that men are not volunteering because they love the small city or the larger community or the whole State, but are, to my mind, volunteering and going in advance of the draft because they love America and are able to go in advance of the draft.

That is the object of those who volunteered, and the ones who are to benefit by such volunteering should be the entire Nation. Those who claim that the patriotic men who volunteered are being penalized unless their community is given credit are, in their turn, endeavoring to penalize patriotism by capitalizing it locally. To my mind no one within the draft age should be allowed to volunteer on the basis that all have volunteered and are waiting call when the Nation needs them. The whole Nation should be benefited by those who are above the draft age volunteering their services. I would not allow any man in the draft to volunteer for the reason that I would more and more honor the draft system, for the man following his call in the draft is as patriotic as the man who volunteers. Many a man naturally waits his call in the draft who, if conditions allowed, would gladly volunteer. Therefore the men in the draft should not in the least be considered as deserving of any less honor than the man who volunteers.

Mr. HARDY. Mr. Speaker, will the gentleman yield for a question?

Mr. LUNN. Yes.

Mr. HARDY. Suppose the gentleman would find that of two exemption boards in two counties of similar population one of them had put in class 1 25 per cent of its population and the other had put 45 per cent. Would the gentleman think, however honest the boards might have been, that that would be a criterion on which to base the quotas of those two counties?

Mr. LUNN. I would say that would be an apparent wrong, but I think that under any system there may be here and there an injustice.

Mr. HARDY. The gentleman is basing his quota upon an apparent wrong.

Mr. LUNN. That would not exist over the entire country in the 4,500 boards. Some inequities would arise inevitably. There would be cases of injustice, but the whole purpose of the selective-draft law is to avoid this as much as possible and gradually take care of every case where an injustice has been done.

America is confronted by the most tremendous task in its history; her very life is threatened; her future imperiled. Therefore we need the protection of the selective-draft law and must not witness its impairment in any case whatever. America must win this war, and America will win this war for the reason that our cause is just.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield 10 minutes to the gentleman from Maryland [Mr. PRICE].

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 10 minutes.

Mr. PRICE. Mr. Speaker, during last year there were two great events—particularly great—in this country. The first was on the 6th day of April, when this Congress, the Members of this House, nearly 400 of them, sat in this Chamber and voted to serve notice upon the Imperial German Government, "So far shalt thou go, and no farther," and on which occasion we pledged all the resources of this great country to that cause. The other was on the 5th day of June, when 9,600,000 of our young American manhood went to the registering places in their respective States and placed their names upon their country's roll and said, "Here am I; send me."

I say to you, Mr. Speaker and gentlemen of this House, that that was one of the most inspiring spectacles that the American people have ever been called upon to observe. It was brought about without disorder, in a spirit of patriotism and of loyalty. There were scarcely any violations of the law. And why was that? In this great Nation, with our prejudices for peace and with our inherent love for the volunteer system and our abhorrence of the draft, why was that possible? Simply because the young men of the country felt—and they had a right to feel—that when they registered themselves for service to their country they would be treated fairly. They felt that this great Government would see to it that they had a square deal. In the law that we passed it was specifically stated that the different quotas of the different States and political divisions of this country should be based upon the population of those communities.

Can anything be fairer than that? Is not our whole theory of Government based upon representation according to population? And why should that whole system be now disturbed? Is it not fair to assume that the registered military strength of any community is the proper proportion for that community to furnish to the military service? These young men who felt that this Government had pledged them a square deal have the right to expect of this Congress to see to it that the agreement is kept and that our contract with them is carried out in good faith.

Now, this resolution proposes to disturb the whole theory on which this draft law was based. I can see the argument that the shifting of population or the predominance of aliens in a community may work unfairly, but that will be rectified in the amendment offered by the gentleman from Nebraska, which gives credit for volunteers and fixes the status of aliens, so that if that is disposed of and the young men of a community go and register, can anything be fairer than that those people should be called in proportion to that registration?

I want to give an illustration. I am not one who charges that local boards in this country are corrupt. I do not believe they are. But I have had occasion to question the judgment of some of them, and I want to show you, gentlemen, on what a flimsy pretext you would disturb this great national policy of distribution of quotas for military service.

I took occasion recently to ascertain from the local boards in my own district the number of registrants in each class, and in the nine counties of my district the variation in the judgment of the local boards is shown in the fact that the proportion of the registrants in class 1 runs from 13 per cent in one county to 41 per cent in another. Do you think that is anything on which to base a national policy? It so happens that in one county which has 13 per cent in the first class, the adjoining county has 41 per cent. They are alike as two peas. They are not like the two counties referred to by my friend from California [Mr. KAHN]. One is not Republican and the other Democratic; they are both Democratic. It so happens that each county has about 1,100 registrants in the four classes, and it also so happens that the two counties are absolutely like one community. I

know them. There is practically no difference either in the mode of living or in the industries of those two counties. Yet one of them furnishes 148 people in class 1, while the other furnishes 450. It is merely the judgment of the local boards in those counties and nothing more. Shall we base a great national policy on such judgment as this? I assume this is no exception, and that such conditions exist all over the country, in fact, several instances have been cited during this debate by gentlemen from different sections of the country.

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. PRICE. Yes.

Mr. McKENZIE. Does the gentleman know the number of men who volunteered from these two particular counties?

Mr. PRICE. No; I do not.

Mr. McKENZIE. That might change it, might it not?

Mr. PRICE. I do not think it does. So far as I can see, that has nothing to do with the classification. That had to do with those who went away in the first draft, whether communities were given credit or not.

Mr. McKENZIE. It would change the number remaining in those counties in class 1, would it not?

Mr. PRICE. No, sir.

Mr. McKENZIE. If a large number of them had volunteered?

Mr. PRICE. No, sir; I do not think so. That is not my understanding of it.

Mr. FIELDS. Will the gentleman yield for a question right there?

Mr. PRICE. Yes.

Mr. FIELDS. Is the gentleman aware of the fact that the differences between the local boards is not so great under the questionnaire system as it was under the system under which the first draft was made?

Mr. PRICE. This was done under the questionnaire system, and I have received this information within the last few days.

Mr. PHELAN. Will the gentleman yield?

Mr. PRICE. Yes.

Mr. PHELAN. Do not these very discriminations exist under the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER]?

Mr. PRICE. These discriminations still exist, but the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER] will prevent the taking away of all of one class all over the country, and will distribute this military service in the place where it ought to be distributed.

Mr. KAHN. Will the gentleman yield?

Mr. PRICE. Certainly.

Mr. KAHN. Does the gentleman think a man ought to be dragged from his family and put into the service while there are single men who have no ties, and who could go with the least effort to serve the country?

Mr. PRICE. I do not think it is necessary to drag anybody from his family. That does not enter into the question at all.

Mr. BARKLEY. Will the gentleman yield there?

Mr. PRICE. I prefer not to be interrupted. The question is this: My friend from California [Mr. KAHN] very beautifully described this proposition as a great national question. I believe it is a national question. I believe this Nation is alive to its responsibilities and its duties, but I also believe if you want to nationalize it in the best possible way, the best way to do it is to let each community and State be permitted to furnish only its proportional part. [Applause.]

Mr. FIELDS. I yield five minutes to the gentleman from Massachusetts [Mr. PHELAN].

Mr. PHELAN. Mr. Speaker, I am glad to see something done on this matter. Last September I appeared before the Committee on Military Affairs and urged the reporting of a bill of a similar kind. Whether we adopt the bill submitted by the committee or the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER], either one will be a great improvement over the present law.

I favor the bill reported by the committee, but I should like to see it amended. I hope to see it amended first so that the new provisions will apply whether classes are made or not. In other words, I should like to see the word "population" stricken out of the present law. I should like to see it amended, furthermore, so that credit will be given for voluntary enlistments or inductions. In that particular I want to point out that in lines 9 to 11, on page 2, those men especially ought to be considered in giving credits, and I think under the present bill they probably will not be.

In both the present committee bill and the amendment offered we find these same propositions. These provisions in this bill apply only when classes are made. The amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER] applies only when classes are made. We find also that under each the divi-



sion into classes is intended. All this talk, therefore, about the injustice done by the various boards under the bill proposed by the committee is begging the question. No matter whether we have the present law or the Shallenberger amendment or the law proposed by the committee, we still have classes and we still have classification boards; we still have the liability to error of men's judgment, or even unfairness on their part, and the possibility of a lack of uniformity in arranging the classes. So that when you argue that proposition you are begging the question.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. PHELAN. I will if I can get more time. I will say that it might be a little more accentuated under the committee bill, but the question still remains. Now, here is the fundamental principle underlying the difference between these two. Under the committee bill you can not go into one class until you have exhausted the class before it, unless you go into that same class proportionately all over the country. Or, to put it another way, every time you go into one class, no matter what class it is, the same process applies all over the United States, and the same percentage is applied to that class. Under the Shallenberger amendment it is possible and probable, and it undoubtedly will happen in many cases that in some parts of the country while you are still drawing men to fight in the trenches from class 1 in other parts of the country you will be taking men from class 2 to do the same thing. Now, if that is so, will somebody tell me why you should make any classes at all?

Mr. MONDELL. Will the gentleman yield?

Mr. PHELAN. No; I have not the time, unless I can get my time extended.

Mr. MONDELL. I thought the gentleman wanted an answer to his question.

Mr. PHELAN. I do, but the gentleman takes too long to answer questions. Let me give a few figures. These may not be the actual figures in a particular case but they will show the point: Suppose in one community we have 5,000 men in the first class, 2,000 men in the second class, 2,000 in the third class, 1,000 in the fourth class, making 10,000 altogether. Suppose in another community we have 2,000 in class 1, 2,000 in class 2, 2,000 in class 3, 4,000 in class 4, making 10,000 just the same. The call goes out to take 25 per cent. Under the Shallenberger amendment you take the whole 10,000 in the first community and take 25 per cent of that. There you get 2,500 men from that community—community No. 1—and you take 2,500 men out of class 1, and it leaves 2,500 men still in class 1. In the other community you again take 25 per cent of the total 10,000. That amounts to 2,500. You take 2,000 out of class 1, and then go into class 2 and get 500 additional to get the total of 2,500. In other words, while you are taking men from class 1 in one part of the country you may be taking men from class 2 in another part of the country. I feel that it would arouse a great deal of discontent if a condition like this were permitted. Our people will gladly make any sacrifice, but they do insist, and have a right to insist, that burdens shall be distributed equitably. The Shallenberger amendment will not distribute them equitably. With the changes I have suggested I shall support the committee bill.

The SPEAKER. The time of the gentleman has expired.

Mr. FIELDS. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. ROBBINS. Mr. Speaker, as I understand the proposition, it is primarily to change the method upon which the draft law of 1917 was built. That law provided that the draft should be based on population, and the Census Bureau worked out a scheme of population which, it is claimed, is inequitable and unfair.

This bill that is now proposed by the committee, which I favor, proposes to place this whole matter on the basis of the persons that are registered and liable for military service. That is the only equitable way in which to build an army in this present crisis.

Mr. LONDON. Will the gentleman permit me to ask him a question?

Mr. ROBBINS. No; I have not the time.

Mr. Speaker and gentlemen of the House, on the 5th day of April, 1917, the Congress of the United States declared—

that a state of war between the United States and the Imperial German Government had been thrust upon the United States is formally declared, and pledge the entire resources of our country to carry forward this war to a successful termination.

In order to successfully carry out this declaration it was necessary to raise men and money, and the selective-draft law was enacted and approved by the President on May 18, 1917.

This law established a new method of raising an army in the United States and provided that the quotas for the several States and Territories and the District of Columbia, and

subdivisions thereof, should be determined in proportion to the population thereof, and credit should be given to any State or Territory or subdivision thereof for the number of men who were in the military service of the United States or members of the National Guard on April 1, or who had since entered the military service, either as members of the Regular Army or National Guard, and all male persons between 21 and 30, both inclusive, should register in accordance with the regulations to be prescribed by the President.

Pursuant to this the President issued a proclamation fixing June 5, 1917, as the date upon which all those subject to this selective-draft law should register, and in accordance therewith, on said date, 9,586,508 men registered as subject to military service. It was decided to select from this number 687,000 men by the first draft, and a system of selection was devised whereby the names were placed in black capsules and drawn from a glass bowl by blindfolded men specially selected from among the students of the various universities. The first drawing took place on Friday, July 20, 1917, in the Senate Office Building, the first number being selected by the Secretary of War himself, in the presence of a vast concourse of people, in the Senate caucus room, the event being epoch-making.

In order to carry this law into effect it was necessary to organize 4,557 local draft boards, each composed of 4 persons, which with their clerical force and assistants voluntarily rendered, made an aggregate of 100,000 men engaged in this service, who, between July 30 and August 25, heard and disposed of about 1,000,000 cases, averaging 70 cases per day per board. This service was rendered voluntarily in most instances, so that the cost per man selected averaged from 54 cents cost per registrant to \$7.59 per man drawn, or an aggregate of \$5,211,965.38, to the General Government.

This preliminary statement is given to explain the cause of the necessity for now amending this law, because it was found that this draft bore inequitably upon the various districts from which the men were drawn and that much dissatisfaction arose from the literal enforcement of the law.

In order, therefore, to ascertain the true facts and circumstances that surrounded each registrant, and in order to enable the various boards to properly consider claims for exemption, because there had been taken and filed with the President 22,250 appeals from the decisions of the local boards under the rules promulgated by the Provost Marshal General's office, an order was issued October last to each registrant to file a statement, called "questionnaires," disclosing the facts with reference to his employment and history, so that the question of exemption and classification could be worked out equitably, promptly, and justly.

These "questionnaires" resulted in the division of all registrants into five classes; the first class was to include those who, under the selective draft registered throughout the entire country, could best be spared for military service. The second, third, and fourth classes embraced those less available in the order names, and class 5 contained those who were not subject to military service in any event, namely, those physically and morally unfit aliens, those already in the military service, conscientious objectors, and some others.

With the completion of the first draft and the filing of these questionnaires, the exact amount of men in each district available for military service was fully disclosed and the inequalities under the existing law were made apparent.

May I call the attention of this House, Mr. Speaker, to my own district.

In the county of Westmoreland, Pa., which is the largest of the two counties in the district which I have the honor to represent, this condition was disclosed:

Number of registrants	26,940
Number of aliens not subject to military service	9,570
Number of alien enemies	96
Total aliens	9,666
Registrants subject to military service	17,274
In Butler County, Pa., total registrants	7,036
In Butler County, Pa., total aliens	1,109
Total from which quota must come	5,927

Under the selective-draft law, therefore, the quota which Westmoreland County must furnish was based on 26,940, but after deducting those who had already claimed exemption and were released the number of men that were available was but 17,274, from which the entire quota must be furnished, because the law required the quota to be furnished "in proportion to the population thereof," while the quota to fill the draft must come from the lesser number, to wit, those remaining after deducting aliens. In Butler County, the other county in my district, the same inequality appears by the above figures.

This was manifestly unfair. With this mere statement this situation cries loudly for correction.

Therefore the joint resolution now being considered is proposed. This resolution provides, omitting unnecessary verbiage, as follows:

That if under any regulations heretofore or hereafter prescribed by the President persons registered and liable for military service under the terms of the act of Congress . . . are placed in classes for the purpose of determining their relative liability for military service, no provision of said act shall prevent the President from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons in any class or classes . . . in proportion to the total number of persons placed in such class or classes in the various subdivisions of the States, Territories, and the District of Columbia designated by the President under the terms of said act, or from calling into immediate military service persons classed as skilled experts in industry or agriculture, however, classified or wherever residing.

This, therefore, means that when in my district, because of the large number of aliens, class 1 is exhausted no further calls shall be made therein until class 1 in the other districts of the country have been exhausted.

The selective-draft law was passed in order to organize the Nation to carry on this war. The classification found on the questionnaires is made up by sorting out all men within the draft age, so that those who can be most readily spared to enter the military service shall be first taken, and those who are required to remain at home to carry on the business of the country, produce food, manufacture arms and equipment for the soldiers, build ships, and support dependents shall not be taken until dire necessity compels the Government to withdraw them from industrial pursuits.

The effect of the enforcement of the act of the 18th of May, 1917, is to strip all districts where there is a large foreign population of all the native-born Americans and leave the foreigners to take their good jobs, grow rich on the profits arising from war activities, while the Americans must bear the brunt and hardship and suffering and death caused by this terrible war. This is unjust. This condition can not be imposed upon the inhabitants of the districts where industrial activities have attracted large foreign population. This war can not be fought without the munitions and fuel, equipment, and industrial output of the large populous centers, along the Atlantic seacoast, and in the mineralized sections of the United States. The iron mills of Pittsburgh are located there because of the presence of fuel and ore and natural environment.

The shipbuilding of the Delaware was located there because natural conditions make it the most available spot. Coke and bituminous coal are produced in my district, because the minerals exist there in a state of nature, and in their development a large foreign population has been attracted by the advantageous conditions of employment, and yet to say that because the population is enhanced, by a number of residents of foreign birth and who are not subject to military service, and that the native Americans must furnish all the men for the Army, is to assert that an inequality and unjust burden must be borne by these people. Such position is untenable, unfair, and should not be seriously advocated by anyone.

It has been asserted on this floor that this war can only be won by the men in the trenches with a gun in his hand and a bayonet pointed toward the foe. Far be it from me that I should detract anything from the man who risks his life, he is undoubtedly the greatest factor in winning this war. He is the one who is making the supreme sacrifice; he is the man who is entitled to our undying gratitude, and over him and his deeds the encomium of his countrymen should ever be pronounced. But we must not forget that this man must have ammunition for his gun, must have the protection of artillery and airplanes, and must have behind him a mighty fleet to carry him food, clothing, medicines, and munitions.

The Russian infantry made poor showing when their munitions ran out, and they fought the Germans with shovels, crow-bars, and guns without bayonets. The collapse of their army was largely due to the failure of the people to support it, equip it, sustain it, and this Congress and this Nation would blush with shame and disgrace if the day ever comes when the American troops will be driven from their trenches because of lack of munition, lack of artillery, lack of airplanes, lack of food.

It has been stated that it requires five men working at home to support, equip, and maintain one man in the trenches.

Just now, with the greatest battle in this horrible, terrible war raging in Europe, and the American troops are just entering this great battle, it does not become us here in the American Congress to long debate any measure that looks for the better equipment of our Army. What we want to do is to strengthen the American Military Establishment, not weaken it nor em-

barrass it by criticism. Let us lift the draft age to 40 years, so opportunity may be given to other men who are ambitious to serve. But let us not be unfair to the districts throughout the country, where, by reason of the large alien population, the enforcement of present law has stripped it of the American citizens and left the foreigners at home who claim and receive exemption from military service to grow rich on war profits.

The principle of the selective-draft law demands that all those in class 1 throughout the whole country be first taken. This is a national war. The army we are raising is a national army, and the Member of Congress who seeks to protect those in class 1 in his own district while seeking to force those in classes 2 and 3 in his neighbor's district or any adjoining State into military service is taking a very narrow view of our selective-draft law and of our part in this great war. He has by strict construction defeated the whole theory of the selective-draft law. "The word of the law killeth, but the spirit giveth life."

The selective-draft law is intended to accomplish two principal things:

The first is to make a scientific and most complete inventory of our man power, with a searching inquiry into the qualifications and the industrial and domestic circumstances of each man registered. With this at hand, the second is to make a scientific classification of their relative availability for military service and for all the war-time activities of the Nation.

This has been accomplished, and if we but permit the law to be administered in the spirit in which we enacted it, the result will be the complete mobilization of the Nation for the war. This purpose is thus announced by the Provost Marshal General in his annual report, in which he says:

It can be announced now as the policy and belief of this office that in all probability it will be possible to fill our military needs without ever invading any class more deferred than class 1, and this is the promise, the standard, and the goal, here for the first time announced, toward which every administrative effort of this office shall be directed.

It is, therefore, more than ever incumbent upon this Congress to sustain the War Department in this great war. We shall undoubtedly be compelled to raise the draft age to probably 40 years or possibly 45. This will more than treble, in all probability, the number of men available for class 1. In fact, the large army that volunteered to go with Col. Roosevelt, who were all above the draft age, voiced the desire of men over 30 who wished to enter the military service in defense of our country.

But this increase in the number of selective draftees in class 1 will only make more imperative the adoption of the amendment here pending changing the basis of selectives from "population" to "registrants" in class 1.

Gentlemen of the House, the reports that come to us from the battle field of Picardy indicate the eagerness with which the Americans are entering the first baptismal fire in the great battle for freedom.

The meager information that passes the censor's pencil tells us that the German assaults against the American columns have been uniformly and without exception broken, driven back, and defeated. Even in the face of superior numbers, American troops have won signal honor. Veterans of the French and English Armies, both officers and men, stand in their presence acclaiming them men of great bravery and soldiers of the greatest skill and valor.

Those high in authority in Europe have given to our soldiers unstinted praise and honor and speak of them only in terms of highest admiration.

Let us therefore stand behind our American soldiers and support them with unflinching loyalty, believing, as we all do, that by the bravery of the American troops the battle of freedom will be won on the battle field of Europe.

We have organized in the United States for the purpose of fighting this war not only by man power but industrially and in every other way. When they first drew the men under the law they drew 687,000 men. They started out in a blind scheme of drawing them by lot. But it was soon discovered that that would not work out equitably, so in October last they devised a scheme known as the "questionnaire," by which they ascertained from every man available of military age in the 9,500,000 that had registered on the 5th of June all the conditions that surround him. And then they have started out to build a National Army, but we are confronted with this serious defect in the draft law. It has been established by its operations that in some communities when the draft calls for the number of men to be furnished under the quota on the basis of population, that it has stripped the communities of native Americans, because of the large foreign population that reside therein. Of course, we are all here to legislate for the country as a whole, we are fighting the war as a national war, but each one of us



must apply the laws we are considering to the facts that arise in our own districts, because we are familiar with the situation there.

Applying this selective-draft law to the twenty-second district of Pennsylvania, which I represent, I want to call your attention to how inequitable, unjust, and burdensome this draft law has worked out. In the county of Westmoreland, the largest of the two counties I represent, may I in conclusion recapitulate, there was a registration on the 5th of June of 26,940 men. But it was discovered under that registration that there are embraced 9,666 men who were aliens, and who were not compelled to render military service under the draft law to the Government of the United States. So that left 17,274 men to answer a quota based on a population, or based on a registration of 26,940 men. There are eight registration districts in that county, and the practical application of this law has been that it has actually entirely stripped class 1 in some of these districts. As we have learned in the course of this debate, class 1 embraces the men who have no ties to retain them at home, either socially or industrially.

Take Butler County, the other county of my district, and we have a condition just as accentuated and emphatically calling for relief. There were 7,036 registered, 1,139 aliens not compelled to render military service, leaving 5,937 from which we must furnish a quota based on 7,036. Now, gentlemen, this amendment proposes to remedy that inequality, that unjust burden placed on certain communities. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GORDON. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, I shall vote for this bill whether the Shallenberger amendment prevails or not, though I think it ought to be adopted. I have never refused my vote to any war measure simply because it did not accord with my individual views, and I shall not now.

There has been much misrepresentation of the issue now involved. It is not a question of whether the Government shall be furnished the men which it needs. We decided that long ago, and the men will be furnished. It is simply a question of how the draft act shall be changed to make it more equitable. Everyone agrees that it should be changed, and that is the sole purpose of the bill before the House. I voted for the original conscription bill and urged its passage on this floor. The bill contains certain inequities in it which afterwards developed in its application, some of which have been mentioned by the gentleman preceding me [Mr. ROBERTS]. The majority of the committee say that they have brought in a bill to correct the unfair apportionment of the draft made in the original bill, but when shown that their own bill unfairly apportions the men drawn among the different counties, they take the position that no district ought to complain.

Mr. Speaker, at the time of the passage of the original bill for the selective draft, some Members thought it would not be accepted by the country; but I believed then, and believe now, in the patriotism of the masses of the people. They are ready to do anything that is necessary to bring the war to a successful conclusion, but they want the burdens of the war distributed as equally as can reasonably be done. The original bill undertook to do this, but we have found that in some parts of the country where there are large numbers of aliens who were not subject to the draft it was not fair to apportion it in accordance with the total population. Hence, I favor that portion of the bill before the House which seeks to correct this injustice, but I do not favor permitting another injustice in order to remedy the faults of the original bill. The astonishing statement is now made and has several times been repeated on this floor, that it makes no difference if one community is required to furnish more men than its share, and that we ought not to concern ourselves about a matter of that kind.

Mr. Speaker, if any Members should rise in this House and advocate that in the apportionment of taxes required to carry on the war it made no difference whether one man or any one community or State paid more than its share, we would be somewhat inclined to question his sanity. Such a proposition would be considered too preposterous for consideration. To my mind it is, if anything, more unreasonable that where the lives of our citizens are concerned that we should not consider whether the counties and States are going to do more or less than their share. Great hardships are unavoidably inflicted in many instances by the draft; but can we justify ourselves in bringing them about when by an unfair apportionment some person who has not the slightest excuse is relieved from going at all? In fact, Mr. Speaker, I do not complain so much about the burden which will be added in my own community or the district or the State which I have the honor to represent. My town, my district, and

my State is always ready to do all and more than its duty. It has led in enlistments and has not only furnished its share of men, but more than its quota, and has always oversubscribed for liberty bonds. Naturally I resent the imputation of want of patriotism which has been thrown out by some of the speakers who have preceded me with reference to those who favor the Shallenberger amendment, which nobody has denied or can deny presents a perfectly fair and just apportionment, namely, to base the draft upon the number of men eligible to military service; and I notice that some of those who have been so insistent that this bill should not be changed in word or letter represent States or communities which would be largely exempted from the draft by virtue of its provisions. I have not time to give figures in this respect, but they have or will be given before the debate is concluded and will show that some of the States have only placed about 20 per cent in the first class, while others have gone as high as 35 and 40 per cent. Yet it is proposed by this bill to make the numbers taken depend upon this classification and thus permit those communities with the lower per cent to shirk their duty. The citizens of my State are quite willing to perform their own duty, but they are unwilling that others should be permitted to evade it. The bill as it stands encourages the slacker who is trying upon one excuse and another to escape the draft.

Mr. Speaker, at the opening of this war we had several companies of the Guard in my district which young men joined. Many could not wait even for that to go, but enlisted with the Regulars which went with Pershing. The Guard regiment which they joined followed closely after the Regulars and all are now fighting on the battle front. There they have gloriously maintained the traditions of this Nation and some 10 or 12 have already been decorated by the French Government for gallantry, among them Lieut. Col. Tinley from my own city. Numbers of them have already sealed with their blood the covenant they made to protect this country and the glory and honor of its flag; and now gentlemen stand here and say that no credit ought to be given for their enlistment; that it should not be taken into account in making up the quota for their county, their district, or their State. They urge, in fact, that communities which have made up their classifications in such a way as only to put 20 per cent into class 1, should be permitted to escape their duty, but others who have a classification with as high as 40 per cent in class 1 shall furnish men accordingly. It needs no argument to show the injustice of requiring one community to send 40 per cent of its men who are subject to military service and requiring only 20 per cent from another, the two communities being, perhaps, side by side.

Mr. Speaker, the Shallenberger amendment not only avoids the inequalities which were created by the original bill, but avoids those which are created by the bill now before the House. It bases the apportionment on the number of men subject to military duty and gives credit for enlistments either in the Regulars or Guard. It is as fair and just an apportionment as it is possible for us to make. We can not entirely avoid inequalities, some will always exist, but it is our duty to avoid them as far as we can and not interfere with our military success. I have always been for the highest efficiency and would sacrifice any man or community to efficiency and the success of our arms. Efficiency ought to be the motto of our military preparations, but you will not gain in efficiency by the bill as it stands over the provisions of the Shallenberger amendment.

The bill as it stands will not add one man to the force over what would be provided by the amendment. The same number of men will go; there will be the same number at the front. If the bill stands in its present form, the gallant men who have been first in the fight, first to lead the charge, first in honors, will be told that their communities will receive no benefit from their action in the apportionment of future drafts.

I make no attack upon the local officials. They had a difficult task to perform without any definite directions from Washington. Naturally, the different boards took different views with reference to the claims for deferred classification. There were in some States a few unworthy officials who abused the trust which was imposed in them; but, whether it was done by mistake, ignorance, or willfulness, we ought not to let these variations in the classifications control, but should equalize them so far as possible.

I do not care so much about that part of the amendment which fixes the basis of the draft. There may be something in the contention of gentlemen that inequalities in the basis proposed by the bill will, to some extent, be rectified by the boards which pass on each case, but I insist that in fairness and justice credit should be given for those who enlisted, and that States whose citizens held back until they were summoned should not profit thereby. [Applause.]

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Speaker, it seems to me that this question resolves itself into a question of whether we are going to try to adopt a theory or take advantage of experience and adopt that kind of a measure that experience has taught us is the thing that we ought to have. We have had a draft law in operation under which about three-quarters of a million men have been drawn into our Army. The men who have had the administration of this law have had more experience in detail than all of the Members of this House combined, and the men attached to the Provost Marshal General's office are unanimous in the indorsement of the suggestion as set out in this resolution. Before the Provost Marshal General suggested it to the Secretary of War, and before it got the indorsement of the President of the United States, a poll was taken of all of the local boards in the United States, and this is the result of the consensus of opinion of the men who have actually had to do with the operation of this draft. It seems strange to me that the membership of this House, which is thoroughly American, and in which there is not a single man who is not prepared to do everything he can to promote this war, will vote millions of money practically without discussion, pass bills relative to the future of our country, pass any kind of law controlling our industries, and the men who work in them simply on the belief that it will help our boys win, but when it comes to the question of who shall take a gun and go away and fight for the country we find a great number of the Members of this House standing up and saying that the boys in his locality shall not go before those in some one else's State go.

This is an American fight, and every man must do his share, whether somebody else goes or not. The question is, How are you to do it—in a practical way or are you going to do it in a theoretical way? I believe we ought to take advantage of the experience of the men who have been administering this law and iron out the kinks that have been in their way. They tell us that by the passage of this resolution they will be able to more evenly and justly administer the law that we have placed in their hands. Understand, this war is not going to be over in a day or two, nor in a week or two, nor in a month or two, nor in a year or two. We have in our Army 1,640,000 men today fully armed, ready to go away. We have in our Navy over 300,000; practically 2,000,000 men bearing arms for our country. That is only a drop in the bucket that we are to pour out for democracy's salvation. This war is going to last, it is going to take billions of money and millions of men, and the point is, Are we going to stick to theory or learn from experience? If we are to close our eyes, then we must be prepared for the war to last longer than the time that I have suggested. I say to you in all sincerity of purpose, I believe that by the change of law, as here suggested, it will work with greater equality and with greater justice to the South than the present law does, and it will work with greater equality and greater justice to the North than the present law does. I therefore am heartily in favor of the resolution without amendment.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, the House and the country are to be congratulated in that both the majority plan and the minority plan which come from the Committee on Military Affairs will enable us to eliminate from our calculation the alien element which was under the original law included in determining quotas and which hence was responsible for so much inequality during the last year. My inquiry mentally has been which of the two plans was the better. I think the plan proposed by the gentleman from Nebraska [Mr. SHALLENBERGER] has one advantage in that it rests upon mathematics and not upon human discretion, with the inevitable possibility of error and frailty. On the other hand, I think that the committee proposal has the advantage, which has been brought out several times and very clearly a few moments ago by my colleague [Mr. PHELAN], that it insures that all the most available men are taken before the class containing less available men is invaded at all. That, to my mind, is the controlling consideration and the one which has determined me—

Mr. GORDON. Will the gentleman yield?

Mr. ROGERS. I can not yield—to support the contention of the majority of the committee. I wish those who are following me would turn to page 5385 of the Record, which appeared this morning, where I printed a table which was furnished some Members of the House by the Provost Marshal General. This shows the number of men by States who have been classified into all classes, the number of men classified into class 1, and, finally, the percentage of men in class 1 as compared with those in all classes.

Mr. WINGO. Will the gentleman yield?

Mr. ROGERS. I am sorry, but I have not the time. I desire to make my point, and must proceed. Gentlemen have suggested that there would be a very wide disparity, a very wide probability of error among the several States, because of the different views which members of the local boards would take of the type of men who should be put in class 1. That may be true as between individual districts, but I think the table very clearly establishes that it is not true as between States. The general average for the United States, as the figures show, of men in class 1 as compared with men in all classes is 27.71 per cent. I have made an analysis of the percentages which go to make up that 27 or 28 per cent. I find that 7 States have exactly the correct percentage; that 15 States have within 1 per cent of the percentage shown as normal for the United States; that 26 States are within 2 per cent of the United States mean; that 34 are within 3 per cent; 38 within 4 per cent; and 41 within 5 per cent of the mean of the United States. That indicates that there are only seven States in the Union which are more than 5 per cent away from the normal for the entire United States. Of those seven, three are below the normal and four are above. The gentleman from Iowa [Mr. HULL] said in the course of his remarks yesterday that the reason for the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER], as he sees it, is that the States in the East made in a deferred class a larger proportion for industrial reasons than the States in other parts of the country. Here is his exact language:

The East took the Army contracts, and they filled their munition factories with their young men, and they want to pass this law in order to exempt them. That is the real truth of the matter.

The facts as developed by this table show the contrary—that the three States which are more than 5 per cent below the mean of the United States are Arizona, Utah, and California, which would, I think, not be regarded as industrial States, and would certainly not be regarded as Eastern States. The States which are above 5 per cent in excess of the mean are Florida, Louisiana, South Dakota, and Wyoming, with a total registration of less than 3 per cent of the registration of the entire United States. Now, of course, we can not—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROGERS. May I have two minutes more?

Mr. FIELDS. I yield two minutes additional to the gentleman.

Mr. ROGERS. I thank the gentleman. Of course, we can not assert with confidence that there will be no trace of disparity between the several States of the Union; but when we find that 41 out of the 48 States, large and small, East and West, are within five per cent of the normal, it indicates that there was a remarkably close approximation throughout the United States of identical action by the draft boards. When we develop the further facts that those appreciably below the average are all agricultural and Western or Southern States, and that those far above the average are also, in general, agricultural States, it would seem perfectly clear that the distinctions which have been made are neither fundamental or sufficient to justify the charge that in different States there was any appreciable unfairness on the part of the several draft boards. All States are, of course, not exactly alike. There is an infinite difference of conditions and situations among them. As the gentleman from Nebraska [Mr. SHALLENBERGER] said in reply to a question from me yesterday, there is machinery for correcting errors. If the draft board in an individual case has been dishonest or has been erroneous, there is a provision in the law for correcting it. I agree, if this proposal of the committee is adopted, that these decisions of the draft boards should be very carefully scrutinized to eliminate any improprieties which may creep in.

I rose to make clear what a remarkable degree of uniformity has been attained by the thousands of draft boards, acting independently, in classifying into class 1. The figures I have cited indicate remarkable efficiency in applying the regulations of the Provost Marshal General, and I think answer the contention that the discretion left to the draft boards will be abused by them.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. STEPHENS].

Mr. STEPHENS of Mississippi. Mr. Speaker, whether the bill is amended or not, the number of men to be taken for military duty remains the same. The only difference between the two plans is in the order in which men will be taken for service.



There is disagreement as to which is the better plan, as there have been varying opinions on many other policies; but there is no conflict of opinion—we are all of one mind—on one subject: That as a Nation we have one, and only one, business now—to win the war.

Citizens all over the country have disagreed upon war questions; some have criticized because the United States became a party to the war; some have held to one opinion on governmental policies and some to another opinion; but now everyone who loves life and liberty and home realizes that each one must do his part to preserve those things.

This is the most serious hour that the Nation ever faced. The very existence of the Nation is at stake. The time for earnest, active effort is here.

It is useless to waste time bemoaning the fact that we are at war. Expressions of regret will not win battles. Surely all of us would prefer peace to war, but we must face conditions. As a great man once said:

There is no use arguing with the inevitable; the only argument with the east wind is to put on your overcoat.

So we must meet the inevitable. The war is a solemn, living fact. No matter what opinion a man may hold as to the rightfulness of our entry into the war, certainly each one believes now that he owes it to himself, his family, and his country to do everything in his power to bring the war to a successful conclusion.

There can be, there is, no difference of opinion among Americans about the safety of America. There have been, and perhaps will continue to be, differences about what is best, in many instances, to do; but on the one great question of protecting ourselves we are all agreed.

That our Nation shall not be destroyed; that our institutions shall not be overthrown; that what we reverence and revere shall not be trampled upon and desecrated; that violent and unclean hands shall not be laid upon our mothers and sisters and daughters, is a determination fixed in the heart and mind of every citizen of the United States.

We have been made to shudder with horror and revolt at the German Army killing, burning, ravaging, respecting nothing, defiling all that it touched; at the German soldier becoming less the semblance of a man than the personification of a wild animal—ferocious, murderous, thirsting for blood, grinning for delight at his victims' helplessness.

Mr. Speaker, that an army of this kind should conquer us and visit upon our own people such horrible and barbarous treatment is unthinkable; and I feel sure that the people of the Nation will see to it that it does not come. Those that do not fight in the Army will give of time and money and effort that will aid those on the battle line.

But, back to the amendment. I said that it will affect somewhat the order in which men will be called for service. The gentleman from California [Mr. KAHN] opposes it. It happens that his State has a smaller percentage in class 1 than any other State in the Union. I merely call attention to that. Of course, I know that the gentleman was not influenced in the slightest by that fact.

Mr. KAHN. Mr. Speaker, will the gentleman permit an interruption?

Mr. STEPHENS of Mississippi. Yes.

Mr. KAHN. I want to say candidly to the gentleman that I never saw that table until about two days ago, and therefore it did not in any way actuate me. About two days ago I saw that table for the first time.

Mr. STEPHENS of Mississippi. I had already said to my friend that I felt sure that it did not influence him. But I called attention to that in order to say that it is not right for any discrimination to be shown between the States.

Every State, every community, every citizen is equally interested in this matter; and I trust that no one will fail to do his whole duty in this trying time. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for five minutes.

Mr. LENROOT. Mr. Speaker, if we were considering this matter from the standpoint that each State should be called upon to send only its proportionate number to the trenches, I would be in favor of this amendment. But, Mr. Speaker, that is not the question that ought to impel us in legislation of this character. It is now nearly a year ago since I said upon this floor that in all war legislation there should be but one motive, and that motive was to so legislate as to win this war in the

shortest possible time. [Applause.] And having that motive in mind I must support the recommendation of the majority of the committee, so far as quota is concerned.

It is not primarily a question of who shall go to the trenches. It is primarily a question of using the men and the resources of this Government to the very best possible advantage in winning this war. [Applause.]

Now, the statement has been made that the man who works in the shipyards, the man who is working in industrial enterprises necessary to carry on the war, is not engaged in an equal service with the man who is in the trenches. He is not, so far as any credit to him is concerned; but he is, so far as the winning of this war is concerned.

And what is the position of those who now offer this amendment? We take a district where a majority of those registered may be in a deferred classification because they are engaged in shipbuilding, without which we can not win the war. If this amendment be adopted, in that district we will have, after class 1 is exhausted in that district, to take the men from the building of ships and put them in the trenches. That is not the theory of the selective draft. The very theory of the selective draft is to take those men who can best be spared and utilize the others in the best possible way at home for the winning of the war.

And then there is another thing that we ought to remember. This is not a war of a combination of States. This is a war of a Nation, and it is going to require all of the resources and all of the men to win this war. A year ago we did not realize that as we do to-day. If it were a question of furnishing some men and some resources, then the amendment would be very proper. But we should realize to-day that the very future of this Republic is imperiled this very hour. And when that is true we have no right to make as a primary consideration the balancing and the leveling of the different States of the Union. We ought to consider only the utilizing of all our resources, all of our men, to win this great war in which we are now engaged. And looking at it from that standpoint, I can do nothing other than support the majority of the committee upon that proposition. [Applause.]

Mr. SHALLENBERGER. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLACK].

The SPEAKER pro tempore. The gentleman from Texas is recognized for five minutes.

Mr. BLACK. Mr. Speaker, I shall support the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER], and if that amendment is divided I shall support both divisions of the amendment.

I shall do it because I believe his amendment is in harmony with the spirit and the intent of the selective-draft law, for which I voted when it was passed.

I vote for this amendment because it is just and right, and because I further believe that the method of calling men into the service proposed in the Senate resolution reported by the committee is susceptible of grave errors and abuses. Already it has been brought to light during this debate and in information furnished by the public press of the country that some local and district boards have placed a much larger proportion of registrants in class 1 than have some other local boards and district boards.

Gentlemen of the House, I do not believe that we can justify the provisions of this bill as it now stands except upon one basis, and that is to assume that the local boards and the district boards have observed uniformity in the classification of registrants, and that throughout the several States of the Union men who are within the draft age have been dealt with in substantially the same manner.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BLACK. I am sorry that I can not, on account of the brief time that I have. To my way of thinking, it is too violent an assumption for us to indulge to say that there has been that uniformity which ought to exist in so important a matter as this, if we are to follow the method proposed in the pending bill for calling these men into service. Now, what does the Senate joint resolution now under consideration provide? It provides that when the War Department, under the provisions of the selective draft law, calls out a particular class of registrants it shall call them, not in proportion to the men registered who are liable for military duty, but in proportion to the total number of persons placed in such class or classes in the various subdivisions of the States, Territories, and the District of Columbia. This method would entirely change that which was provided in the original draft law and would make it entirely possible for one State to be called upon to bear much more

than its share of the military burdens of the Nation. Now, what does the amendment of the gentleman from Nebraska propose to do? It says that when a State's quota is called for it shall furnish its men in proportion, not to the population nor in proportion to the number of men in any particular class, but in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption.

Is that just? Is that fair? I think so. I do not see how any possible objection can be found to it. We are all anxious and determined to provide the necessary machinery needed in raising the great army to prosecute to a successful conclusion the war in which we are now engaged. The question is: What shall be the method used in calling out the men? Gentlemen, if it were true that the man who is at work in the munition factory, that the man who is at work in the shipyard, that the man who is at work on the farm at higher wages than he ever received before in his life was rendering as great a service to his country as the man who bares his breast to the whirling bullets and the onrushing bayonets, then you might justify this bill. But I do not subscribe to that kind of talk. The very most that you and I do—that the man on the farm, in the shipyard, in the munition factory does—will be very small in comparison to what our brave soldiers are doing at the battle front in this great fight for liberty and justice, virtue and truth, and the democracy of the world. Oh, to be sure these noncombatant branches of the service are essential, and I do not decry or minimize their importance, but the real sacrifice, the one that tries men's souls, is that which sends them to the dreadful, bloody orgy of battle to fight for our country and the honor of its stainless flag. By the side of that kind of service all other sinks to negligible notice.

Some gentlemen have said during this debate that this is a war of the Nation, and there is nothing sectional in it. Notably the gentleman from California, Mr. KAHN, endeavored to make much out of that line of argument, as if anybody here was disputing it. Of course it is a war of the Nation, and the Nation has never been so united in all of its history than it is to-day. Shoulder to shoulder and man to man, the sovereign States of the American Union have rallied behind our Commander in Chief, President Wilson, to carry on this war until a sane and just peace can be secured and men can return to their civil occupations unmolested by the haunting fear of militarism and its hideous instrumentalities—the fire and the sword.

Yes, gentlemen, we agree with you that this is the war of the whole Nation, and all that we ask—the only purpose we have in mind who support this amendment—is that the blood and the sacrifice which must be laid on the altar of service to win the conflict shall be shared equally by the several States. Perhaps it will be so, even if the resolution is enacted in its present form, but in my opinion it would be more certain of accomplishment if the amendment of the gentleman from Nebraska were adopted. That, gentlemen, is the reason why I shall support the amendment. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to my colleague from Kentucky [Mr. BARKLEY].

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for five minutes.

Mr. BARKLEY. Mr. Speaker, I have been laboring under some confusion, which I have sought to eliminate by consultation with various members of the Committee on Military Affairs, about the effect of the latter portion of the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER], providing for credits to be given for those who entered the service since April 1, 1917. Under the original selective-draft act it was provided that credit should be given for all those who were in the National Guard on April 1, and for those who might enter the service thereafter, either in the National Guard or in the Regular Army. Under the operation of the first selective draft credit has already been given to those. In the raising of the Army already in the cantonments credit has been given for all those who were in the National Guard on April 1, 1917, and all those who volunteered thereafter, either in the Regular Army or the National Guard, up until the time the first draft was completed. Now, it is perfectly apparent to me that credit ought not to be given twice for these same men. I have no serious objection to giving credit for men who have volunteered or who have enlisted or who have entered the service in any way since the first draft was completed; but under the language of the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER] credit is given for all those who have entered the service since the 1st day of April, 1917, and, according to my interpretation of the

act, it is bound to result in a duplication of credit given to the various States and districts for men who have entered the service since then.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. SHALLENBERGER. The language I used is the exact language of the present act. Does the gentleman mean to say that if we do not repeal this act they would keep on giving credit for those who volunteered for whom credit was given in the last quota?

Mr. BARKLEY. No; I do not.

Mr. SHALLENBERGER. I submitted this language to the Provost Marshal General himself, Gen. Crowder, and he said it was perfectly practicable under the language just as I have got it.

Mr. BARKLEY. But this is not an amendment to the original act. This is a new bill to provide for future drafts.

Mr. SHALLENBERGER. It is the exact language of the present law in the respect to which the gentleman refers.

Mr. BARKLEY. The fact that it is the exact language of the present law does not prevent a duplication of credit for those who volunteered up to the 1st of April, and under the effect of the language, I think, that credit would have to be given for every man who had entered the service, whether he was a volunteer or whether he was drafted; and if this amendment of the gentleman from Nebraska is adopted it ought to be amended so as to provide that credit shall not be given in the future for men for whom credit has already been given in the first draft under the selective-draft law. I have consulted members of the Committee on Military Affairs, and they attempt to explain this on the ground that the War Department is working out a system of bookkeeping by which they will preserve a record of all volunteers who have entered the service since April 1, and that in providing for the second draft under this amended bill they will give a sort of gross credit. I believe they call it. They take into consideration all the men registered and deduct from that the men who have been enlisted in the Army or who have been drafted in the Army, and thereby bring about a net result by which they arrive at the number they want to bring into the Army under the second draft, but it strikes me that there ought not to be any confusion at all about it, and I am afraid that whereas that may be the practice of the War Department now, it is purely voluntary on their part, and they may change it at any time, so as to go back and make it possible for some county which had volunteers enough in the beginning to equal its quota to receive credit for that number of volunteers in every subsequent draft, which might result in preventing that county from ever adding any more men to the Army, since its original volunteer list was as large as the original quota, or as the quota of the county under the amended bill.

Mr. HARDY. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. HARDY. If I understand this bill introduced by the committee, it simply means that, regardless of what has been contributed heretofore by a community, its future contribution shall be determined by the number remaining in class 1.

Mr. BARKLEY. That is my understanding of the bill.

Mr. HARDY. There is no question of credit in the bill at all.

Mr. BARKLEY. No; I am speaking of the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER], which provides that the quota shall be based on all those registered and liable for service, and that credit shall be given for every man who has entered the service since April 1, 1917.

Mr. HARDY. It could be remedied by providing that there should be no duplication.

Mr. BARKLEY. I have prepared an amendment, which I shall offer unless it is demonstrated to my satisfaction that this duplication which I fear can not result.

Mr. SHALLENBERGER. I yield three minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. The gentleman from Kentucky [Mr. BARKLEY] is talking about a theory. I know the facts. I have been to the office of the Provost Marshal General, and I have been to the statistical division of the War Department, to find out about this very question. At one time I was under the same impression as the gentleman from Kentucky, that it was possible to give duplicate credits. But after inquiry I find that this is the way in which credits are given. In the last draft the Provost Marshal General combined the number of men to be drafted, with the number of men who had volunteered, which made the gross quota for the entire country. He then allocated to each district its gross quota, and each district was given credit for the number of men already in the service, leaving the net quota which had to be produced. We have to-day



about a million and a half men in the service. If we were going to draft 500,000 more that would make a gross quota of 2,000,000 men. That gross quota will be distributed in the same way. Now, in the allocation of the quota to each district, either according to the plan proposed by the majority of the committee or by the gentleman from Nebraska [Mr. SHALLENBERGER], credit will be given for the men already in the service, leaving a net quota for each district. Later there will be another draft. Now, suppose there were 2,000,000 men in the service, and we want to get 500,000 more men. That gives a gross quota of two and a half million men. Credit will still be given to each district for all the men enlisted since the beginning of the war. The amendment prepared by the gentleman from Nebraska [Mr. SHALLENBERGER] conforms exactly with the practice and the procedure of the War Department, and they could not do differently if they wanted to. To adopt his amendment is liable to lead to something that I am sure the gentleman from Kentucky [Mr. BARKLEY] himself does not want.

Mr. BARKLEY. What is the sense in adding to the number desired those who are already in the service, and then immediately subtracting them from the number desired, when it makes it necessary to go through a lot of bookkeeping in order to arrive at the very same result that might be arrived at by beginning from the bottom and taking the drafted men liable to serve?

Mr. HAYDEN. There is only one way to do it, and that is to make up the gross quota, consisting of the men in the service and the men to be drafted, each time that a new draft is called. Then give credit to each district for the number of men already in the service. In the enlisted division of The Adjutant General's Office, a branch of which is located in the old Census Building, near the Driscoll Hotel, they are now preparing a list of the credits due to each State, which will be completed within the next three days. This list will show how many men have been brought into the service by voluntary enlistment up to March 31 and where each man came from. They keep that data up to date, because each recruiting office reports every 10 days on the number of men who have enlisted. Now, I am sure that neither The Adjutant General nor the Provost Marshal General desire any other amendment to the existing law, because that would mean some change in the procedure. They are successfully administering the law as it is written, and the Shallenberger amendment does not change the method in the least.

Mr. BARKLEY. Will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. BARKLEY. The first draft was based on population. If this bill passes it will be based on registration, and if you take into consideration the men already in the service under the draft you have a mixed basis for quota by bringing in men on the population basis instead of registration.

Mr. HAYDEN. The same number of men are in the service and each State gets credit in the same way. Furthermore, Gen. Crowder has testified that the last apportionment of draft quotas was not based upon population at all, but upon the registration.

Mr. KAHN. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. KAHN. Does the gentleman mean to tell the House that the Census Bureau wanted this amendment?

Mr. HAYDEN. The gentleman from California misunderstood what I said. I mentioned the fact that a branch of The Adjutant General's office is located in a building formerly occupied by the Census Bureau. I did say that the Provost Marshal General wants no change in the method of apportioning credits.

Mr. KAHN. Does the gentleman mean to say that the Provost Marshal General's office wants the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER]?

Mr. HAYDEN. No. The Provost Marshal General's office said that it was perfectly feasible to give credit for voluntary enlistments in the future as they have in the past, and if credit is given they want it given in the same manner as provided by the present law, which the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER] does. The Provost Marshal General's office would be glad to do away with the allocation of credits for voluntary enlistments, but all of the work is actually done by a branch of The Adjutant General's office, so that I do not see how the Provost Marshal General has any real interest in the matter.

Mr. BARKLEY. Mr. Speaker, I desire to send my amendment to the Chair to have it read for the information of the House.

The SPEAKER pro tempore (Mr. NICHOLS of South Carolina). That can not be done, except by unanimous consent.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent that it be read for information.

Mr. SAUNDERS of Virginia. Mr. Speaker, it might be well to add that the time taken to read it shall not be taken out of the time for general debate.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent that the amendment of the gentleman from Kentucky be read for information, and the gentleman from Virginia asks unanimous consent that the time be not taken out of that for general debate.

Mr. STAFFORD. A parliamentary inquiry. Is the amendment reported for the consideration of the House?

The SPEAKER pro tempore. The Chair understands it is being read for information.

Mr. STAFFORD. I understood the ruling of the Chair to be that the gentleman could not offer it.

The SPEAKER pro tempore. Not without unanimous consent.

Mr. STAFFORD. Why not?

The SPEAKER pro tempore. Because the gentleman did not have the floor for that purpose.

Mr. STAFFORD. Under the unanimous-consent agreement a Member can offer an amendment.

Mr. SAUNDERS of Virginia. Yes; but the time of the gentleman from Kentucky had expired.

Mr. BARKLEY. Mr. Speaker, that is all I want—to have it read for the information of the House.

Mr. SAUNDERS of Virginia. But the gentleman from Wisconsin said he could offer it.

The SPEAKER pro tempore. Is there objection to the request that the amendment be read for the information of the House. [After a pause.] The Chair hears none.

The Clerk read as follows:

At the end of the amendment add the following:  
"Provided further, That no such credit shall be given to such State, Territory, or subdivision thereof for any men who have been already so accredited to such State, Territory, District, or subdivision, as provided under the provisions of the act of May 18, 1917."

Mr. SHALLENBERGER. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Speaker, I shall support the amendment of my colleague for the reason that I believe we are not keeping good faith with the communities, counties, and States if we do not support that amendment or its equivalent. I shall vote for the resolution whether it shall be amended or not. No executive officer of this Government will have any excuse to offer for lack of action on the part of Congress or to cover his errors from any act of mine. We must have effective fighting done and soon.

I was very much interested in the trend of the arguments in support of this resolution, and opposed to the Shallenberger amendment, by the gentleman from California [Mr. KAHN] and the gentleman from Vermont [Mr. GREENE]. I note the peculiar ring they give. Each speaks from the great national standpoint. One would think the arguments were made in favor of another and different way of raising the American Army. They talk now like those who opposed the draft last spring. Perhaps I might be expected to say I was glad that they had come back to the other system, but I will not. The enactment of a law in these times makes your choice my choice, and I want to defend rather than criticize the deliberate determinations of this Congress.

We adopted a system in America and there ought to have been stability enough in this Congress to stay by it for at least one year. The passage of this resolution unamended takes Congress out of the army-raising and hands it over to the executive department. We adopted the selective draft nine months ago. The reasons given by its supporters were they did not want to too greatly disturb the various communities in their social and industrial relations. They did not want a man to offer himself to his country, but wanted him to have the great distinction of having the Government select him. Therefore they said first the State, next the county, and sometimes running down into the precincts, but especially the county should be called upon to find out how many men there were to come from it as a fair share of the National Army draft. That has been true of every county in the United States, except where there were very large populations within the county. In such cases they were subdivided. They were drawn in that way. Each man was given a county number and assured that with his national number, which chance gave him, should fix his status. That number was to be his passport to the Government gratitude and favor. He in his order was the representative on the battle front of his county folks at home.

In each county a selective-draft board was formed of his own county neighbors.

A county quota was determined to be so many fighting men. First 5 per cent of them was called; then 15 per cent; next 40 per cent; afterwards 85 per cent; and finally 5 per cent, all in terms of and from the county. Then came the questionnaire, with the corps of legal aids for the registrants, all of and within the county. Every question of construction having reference to the county. Nay, more, every member of the local board solved every question of eligibility and exemption with reference to the county as a unit. Every registrant, reading in newspapers and listening to patriotic speeches, heard the selective-draft law extolled for its perfection. From how many tongues have we heard the ranking member of the Military Affairs Committee extolled for his efficient aid in securing the passage of the selective-draft law. It is perhaps fitting that the same member should in this proceeding give the law its coup de grace, because no one will seriously claim that the working under the present resolution will closely relate to the working of the present law.

I desire whatever this House and the Senate passes shall be the law of the land, and I desire to support it and give its merits as best I can to the people. But it is difficult after opposing a measure to go and heartily support it, and then before a year has passed see its original sponsors declare it all wrong and force a substitute in its place which will do a manifest injustice to a patriotic constituency.

I desire especially to favor that part of the Shallenberger amendment which gives, or ought to give, credit for voluntary enlistments from the counties. I trust it will prevail.

It was expected by every member of every draft board in the United States, by every young man who answered the questionnaire, that he was answering with reference to the existing law, with no prospect of repeal or important change, such as is here proposed. So that every man who answered the questionnaire and every member of the board acted upon it with reference to that condition.

I believe the local boards of the United States are loyal, honest, impartial. But each board acted differently, depending somewhat upon the sentiments of the community. It was not a question whether they were going to take the next quota from class 1. They agreed on that. The ordinary question arising was, Shall we encourage a large field in our county to be selected from or shall it be a restricted field? Every board, I venture to say, believed that all they would have to do would be to give so many men from their county, whether or not 10 or 90 per cent of their registrants were placed in class 1. That was what was before the boards and that is why we claim this is unjust, with no notice given by this Government or its officials that this remarkable change was to be made. We have a state of affairs that would result unjustly in many parts of nearly every State in the Union. I challenge most of you gentlemen to figure out just how it affects your States and counties before you pass on this by your vote. I accept the figures submitted by Gov. SHALLENBERGER as to Nebraska, taken from Gov. Neville, rather than those submitted on page 4998 of the RECORD.

This condition obtains in my own district. There are 11 counties, every one of them an agricultural county, with about the same percentage living in the towns and country in each one as of the others. The percentage of registrants in class 1 in Butler County is 20, while in Seward County, which adjoins it, the percentage is 98. These counties are very much alike in almost every essential particular. Ninety-eight per cent of all of the registrants in Seward, 74 per cent in Gage, and 80 per cent in Saunders are placed in class 1. Why? I am informed that there was very little encouragement to plead exemption. There was insistent urging not to plead exemption. And above all there was a patriotic spirit among the young men, all of which prompted many, regardless of their vocation, dependents, or circumstances, to waive exemption, so that very few were placed outside of class 1. Later a number did plead their exemption, but 722 out of a total of 1,287 were placed in class 1, with no exemption claimed and no appeal, so if every appeal was allowed and exemption judgment rendered Seward County would be furnishing 56 per cent, or 28 per cent more than it should. And that would go to make up the shortcomings of every slacker county in the United States under this resolution.

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

Mr. SLOAN. May I have one minute more?

Mr. SHALLENBERGER. I grant the gentleman half a minute more.

Mr. SLOAN. I want to say this, that my district has 45 per cent of its registrants in this class 1, while the rest of the State has 30 per cent, and the United States has only 27 per cent.

Mr. GORDON. And the country at large 26 per cent.

Mr. SLOAN. In Nebraska there were registered for classification under the recent questionnaire 103,491 men; placed in class 1 and not appealed from, 27,351, or a percentage of 26.4. There were 6,330 appeals. If all these were left in class 1 the percentage would be 32.5 per cent.

For the fourth Nebraska district there were unappealed from 4,241 out of a total registered of 15,324, or 27.6 per cent. Including 2,715 appeals taken, there would be in class 1 6,956, or 45.6 per cent of total registered.

The average for the State outside of the fourth district was 30.2 per cent. This includes all placed in class 1, including the appeals. Outside the fourth district the percentage of men in class 1 not appealed from is 26.1 per cent.

	Number registered.	Class 1 unappealed.	Class 1 appealed.	Per cent appealed.	Per cent appealed and unappealed.
Butler.....	1,275	225	35	17.67	20.38
Fillmore.....	1,143	219	70	19.16	25.28
Gage.....	2,443	794	1,014	32.50	74.00
Hamilton.....	1,241	248	45	19.98	23.61
Jefferson.....	1,303	347	148	26.63	37.98
Polk.....	877	192	4	21.87	22.35
Saline.....	1,447	301	89	20.89	26.95
Saunders.....	1,697	657	655	38.71	79.90
Seward.....	1,287	722	540	56.09	98.05
Thayer.....	1,131	246	15	21.27	23.07
York.....	1,480	290	100	19.72	26.35
Total.....	15,324	4,241	2,715		

And men say that is not an injustice! If Seward, Gage, and Saunders County young men, married or single, on farm or in trade, had of their own volition been permitted to join the ranks there would be no injustice, but simply because these young men waived their exemption so as to be in a class of fighting men to meet any equitable demands that should be made upon their county, now, without warning to them or their board, they surged into class 1 not only to meet their county's share but to help make up the dodgers and slackers of every county in every State of the Union. [Applause.]

Mr. FIELDS. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Speaker, as I look at this resolution its main purpose is to correct a mistake in the original draft act, a mistake which was the result mostly of oversight. When we were discussing the original draft act last May we did not realize what the effect would be of basing the draft wholly on population. The difficulty was, however, detected in the Senate, and the Senate made an effort to amend the bill along the lines somewhat of this resolution, but that amendment was lost in conference between the two Houses. It is obviously fairer to base a draft on the men eligible to serve than on the population, because the population in some places is much more largely ineligible to serve than in others. In some places there is a very large proportion of aliens in the population, and in some rural communities the young men have moved away to go into the cities or to go West, and there is therefore a very much larger proportion of women and children than in other communities, but the act as it stands bases the draft on population. It seems to me that no argument can be made with regard to the possibility that local boards are going to be unfair in classifying the men. In the first place, the classifications are all made for the present, and the local boards are composed of good men. They have had a pretty severe responsibility. The eyes of every community are on them. You can not presume that any community wants its men as a whole to avoid their fair share of the duty of defending our country. I do not believe that you can point to any community in your neighborhood where you would want to say that the sentiment of the people would uphold the local board in trying to exempt young men from doing their part in defending the country.

I think we must presume that the local boards have, as a rule, done their duty well, and we know they have, as the figures show, as pointed out by the gentleman from Massachusetts [Mr. ROGERS] in the table printed in the RECORD of April 11. The year's working of the law has shown that this oversight which we made when we first passed the act should be corrected, the War Department urges its correction, and now we have a resolution to correct it. The correction proposed is fair and just and should be made.

I was somewhat taken at first by the Shallenberger amendment, but the more I studied it the more I saw it would not do. The first part of the amendment I am strongly against. I should like to see credit given for the volunteering, as proposed



in the second part, but I do not think it is particularly important excepting as it applies to young men who volunteer when they are under 21. Most of that, however, has already gone by, and has been credited, and unless some better arguments are made than have so far been made I shall vote to stand by the resolution as recommended by the War Department.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. PLATT. Yes.

Mr. HARDY. Can the gentleman reconcile with his sense of justice the idea that two counties side by side should furnish quotas, one of them at the ratio of 20 per cent and the other at the ratio of 40 per cent just because that was the way their classification of class 1 stood?

Mr. PLATT. One community might have twice as many women and children or twice as many aliens as the other.

Mr. HARDY. But I spoke of two counties standing side by side.

Mr. PLATT. And one might have a big city in it and the other might not.

Mr. HARDY. But the gentleman from Nebraska [Mr. SLOAN] gave an illustration of two counties.

Mr. PLATT. He did not tell what the character of people was in the two districts, and I should like to know.

Mr. SLOAN. I would say that they are practically the same, but I should like to look into the census figures.

Mr. PLATT. It is a possibility as to those two counties. If the local board of one of these counties has deliberately given a deferred classification to many more men than it should have so classified, it should be called to account and should be required to reclassify its men of draft age. There is provision for correcting such matters, but if you pass this amendment as it stands you defeat the very purpose of the selective draft. You base the draft on all the men of draft age with exception of a portion of the aliens, instead of basing it on those who are eligible for service. Now, Mr. Speaker, I have not looked up the census figures with regard to my own district, and I have no definite recollection of the proportion of aliens or others ineligible to serve. I hope we shall soon have treaties ratified that will provide for the service of the aliens from countries on our side in the great war. But the proposal of this resolution, as recommended by the War Department and the Committee on Military Affairs, is equitable and fair, and I shall vote against the Shallenberger amendment and in favor of the resolution as reported by the committee.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Speaker, I am opposed to the amendment proposed by the gentleman from Nebraska [Mr. SHALLENBERGER] on the broad principle that it destroys the scientific character of the selective draft. The selective draft has certain great advantages over any other system that we have ever used in drawing an Army. A year's experience has more than justified the wisdom of those who proposed the selective draft. We are to-day gratified by hearing from every quarter, not from a few or a majority, but from every quarter of military information that the men who have responded to this country's service under the selective draft constitute in appearance, in the character of their training, in morale, in habits, in spirit, and in efficiency the finest body of troops that ever were marshaled for battle. [Applause.] Certain inequalities have appeared in the administration of the selective-draft law. A year of careful study on the part of those who had the administration of the law has resulted in the recommendation that the majority of the committee has presented for our adoption. It is proposed by the gentleman from Nebraska that we engraft upon it a change, and this is the change: That there shall be selected from one locality no more men to carry a musket than are selected from another locality. Now, that is absolutely wrong in principle. The selective draft means that we shall send to the battle field those who by reason of family connections, by reason of their utility or nonutility in industrial life can best afford to go, and it means that those who may be needed in their avocations can be retained for those. I was drawn very strongly to the selective draft from the outset on the principle that this would enable our country to become scientifically efficient in war. This, as has been said many times, is not simply a war of men on the battle field.

It is a war of nations organized to their fullest capacity and strength, and I for one firmly believe that the men who are digging coal in the coal mines, the men who are mining iron ore, the men who are working on battleships, the men who are working on merchant ships, the men who are working in munition factories, are soldiers of this country equally with those men who are on

the battle field, and there may be the utmost reason in the world why certain of those men should be retained to perform those various works. One thing I learned while in Europe, which I think I am justified in making public here, strengthens my conviction. I was informed by the intelligence department, by a very able man, it is not necessary now to state who, that while Germany has squatted upon nearly all the coal mines of Europe, nevertheless she is short of coal and is having great difficulty in furnishing Holland, Switzerland, and Sweden with that coal that is absolutely necessary for those countries to have and which Germany must furnish in order that she may in turn receive from those countries vital necessary munitions, and that her shortage of coal is due to the fact that she was unwise in taking from the coal mines her trained mine workers and putting them in the Army—

Mr. BLAND. Will the gentleman yield—

Mr. MILLER of Minnesota (continuing). Who ought to have been retained in large measure in the mines digging coal to make Germany efficient. I have only a moment or two, but I will yield to the gentleman.

Mr. BLAND. Does the gentleman understand that the coal miners of the bituminous field, if they are single and have no one dependent upon them, are not in class 1 classification?

Mr. MILLER of Minnesota. I can see that is a matter of administration—

Mr. BLAND. They are.

Mr. MILLER of Minnesota. I should think it were entirely proper and competent for the Provost Marshal General to put them in a distinct class, which will not be possible if the amendment of the gentleman from Nebraska is adopted. Therefore for the scientific administration of the selective draft I say, vote for the bill exactly as it is introduced by the committee. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield four and one-half minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I have heard a great deal here to-day about this war being a national war. That is a sentiment to which we all agree, and for that very reason I am in favor of the amendment of the gentleman from Nebraska to the pending resolution. If we want to make this war national, I for one am not only willing that my district do its part, but I am willing that the district of every other Member in this House shall be permitted to do its part. No part of the country ought to desire to do less than its share nor should it be permitted to do less than its share. A great deal of harm has already been done in this country by this preachment which has been made that we are going to exempt the workers in factories and the farmers, that we are going to exempt the miners, that we are going to exempt the men in the shipyards, and that we are going to exempt everybody who is of any account and performing any useful function, and only take those who are not properly articulated into the industrial or commercial or some other kind of useful life of this country. We must come to know that we may have to draft men in all lines of endeavor [applause], and it is a false theory to preach to the people of this country because some particular class happens to be engaged in a certain character of work that it is to be free from the draft. Mr. Speaker and gentlemen of the House, I am in favor of the amendment of the gentleman from Nebraska because it preserves the theory of universal service.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. CONNALLY of Texas. I will.

Mr. SHERLEY. Why do you have any classification, then?

Mr. CONNALLY of Texas. I will state to you why—in order to determine the relative order in which they shall be called.

Mr. SHERLEY. If you are going to determine that in that way, why do not you stick to it after you have determined it?

Mr. CONNALLY of Texas. I will stick to it, and I will grant the gentleman's position might be correct if every board throughout the United States construed the rules and regulations in the same way and enforced them in the same way. [Applause.] But, Mr. Speaker and gentlemen of the House, you do not have to charge local boards with fraud, you do not have to charge them with corruption, in order to know they have applied the law in different ways. The tables of statistics submitted before you in the RECORD prove that. Your own experience, if you have gone back home and investigated local conditions, will prove that to your mind, because, my friends, any law must be administered by human beings, and whenever administered by human beings, naturally that administration will partake somewhat of the mental, temperamental, and other characteristics of the men who are enforcing it. I am not charging the local boards with corruption, but I am in favor of protecting the local board which does its duty and makes a fair classification

and the registrants who have been fairly and properly classified against the fraudulent or improper action of some other board in some other district which does not make a fair and just classification under these rules.

Now, I grant you that the old regulations which based it upon population are proven to be unfair in many particulars. Therefore I think they should be changed. But I can see no reason why it is not fairer to base the quota upon the theory propounded by the gentleman from Nebraska when you proportion it according to the entire number within the respective ages and liable for duty than to place it simply upon those who have been in many instances arbitrarily placed in class 1 while others similarly situated in civil life have been by some other board placed in deferred classes. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. FIELDS. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MADDEN].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for three minutes.

Mr. MADDEN. Mr. Speaker, the gentleman from Arizona [Mr. HAYDEN] complains because he fears that Arizona will be obliged to furnish too many men. The average percentage of men in class 1 is 27.71. The percentage from Arizona is 22. I do not see what he is kicking about. The gentleman from Nebraska [Mr. SHALLENBERGER] complains because he fears that Nebraska will furnish more men than the average State should furnish, and I find that Nebraska has only 26 per cent of its men in class 1.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman permit a question?

Mr. MADDEN. No; I have not the time.

Mr. SHALLENBERGER. That is not correct.

Mr. MADDEN. That is what the record shows. I refuse to yield.

Now, the inequity of the proposition submitted by the gentleman from Nebraska is that it will make matters worse, if that be possible, than they are to-day. Illinois has 28 per cent of its registered men in class 1. No complaint has come from Illinois, and no word of complaint, so far as I know, will come from that State.

Pass the bill reported by the majority of the Committee on Military Affairs and you will find this condition to exist in the future: There will be no man taken from any class below class 1 in any section of the United States until every man in class 1 from all sections of the United States is taken.

And so I find no reason why we should listen to these pacifists who here to-day are trying to embarrass the administration in its conduct of this great war by the introduction of an amendment by the gentleman from Nebraska. These men, most of them, at any rate, who are in favor of the amendment, who have advocated it and who have spoken for it, were opposed to the draft, and they have stood here on the floor of the House at all times since then and fought every movement calculated to vigorously prosecute the war. If you want the war prosecuted to a successful conclusion, adopt the bill as proposed by the majority of the committee and you will have some hope of success. [Applause.]

The SPEAKER pro tempore (Mr. HARRISON of Virginia). The time of the gentleman from Illinois has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN].

The SPEAKER pro tempore. The gentleman from California is recognized for five minutes.

Mr. KAHN. Mr. Speaker, some words have been spoken here about the change of sentiment on the part of gentlemen who favored the selective-draft law and who now propose to make some changes in that law. The fact of the matter is that those gentlemen who favored the selective-draft law and who have seen the inequalities under that law that ought to be corrected are trying in this law to mend their fault of yesterday by the wisdom of to-day. The people who are opposing the proposition, with one exception, never were for the selective-draft law. The members of the committee who signed the minority report, except the gentleman from Virginia [Mr. HARRISON], opposed the selective-draft law; they opposed in every way they could the selective-draft law. They were for the volunteer system; and I was rather surprised yesterday at the remark of my friend from Nebraska on the committee, Judge SHALLENBERGER, when he said that the selective-draft law "must be held inviolate." He has at least arrived at the point of admitting that the selective-draft-law "must be held inviolate." But about this proposition of the credit for volunteers: Every district in this country will get credit for those who have volunteered. They will not get direct credit, but indirect credit, and in this way:

Most of the men who have volunteered have been inducted into the service. They are of the draft class; they are class 1 men. They would be put in class 1 in their respective districts; but having volunteered their names are not in class 1. Therefore class 1 in their respective districts will contain fewer names than if they had been certified in that class. Indirectly the district will get credit for the man who is already in the service under his voluntary enlistment.

Mr. BARKLEY. In other words, the deferred classifications are that much larger by reason of his volunteering?

Mr. KAHN. Exactly; and class 1 in his district is not as large as it would have been if he had not volunteered.

Mr. BARKLEY. And other classes are larger?

Mr. KAHN. Yes; and therefore the district indirectly gets the credit for his volunteering.

Now, about the district that my friend from Nebraska [Mr. SLOAN] has referred to: I do not recall anywhere in the figures, which I looked over pretty carefully, that any district in this country has 98 per cent of its registrants in class 1; but if that did occur, I have here a copy of the telegram which the Provost Marshal General has sent to the governor of each State, asking that in all those districts where the local boards seemed to have been too rigorous or too lenient the lists be investigated and looked into. That if the local boards have acted improperly, appeals be taken to the district boards and the matter rectified; if that be done, these inequalities which the gentleman speaks about will cease to exist.

Mr. Speaker, I shall put the telegram into the RECORD:

[War Department telegram—Mall copy.]

WASHINGTON, April 3, 1918.

(No. B 366.)

To all governors, except Nebraska, Alaska, Hawaii, and Porto Rico:

PARAGRAPH 1. An examination of the reports being received from various parts of the country indicate a wide variance in the number of men classified in class 1. In a few cases the classification is too high and injustice to individuals may have resulted, while in a much larger number of cases it is too low, thus putting an additional burden on other local boards.

PAR. 2. You are requested at once to examine the reports on file in your State headquarters and direct inquiry to the local boards who have unusually low percentages in class 1, requesting detailed reasons for such classification. You should give particular attention to local boards which have reported a strength of class 1 falling considerably below the State average. You will scrutinize under similar rules reports of boards showing unusually high percentages considerably higher than the State average.

PAR. 3. It may be presumed that a local board returning a class 1 substantially varying from the average has failed to administer the requirements of the law with sufficient care and has loosely allowed a smaller number of men to be classified therein than the spirit and letter of the law would justify. The belief that a low number in class 1 would reduce the quota to be drawn from that area may account for this excessive depletion of class 1 in such boards.

PAR. 4. It is true that such low figures may often be justly attributable to peculiar local circumstances, such as an extraordinary number of aliens, of physically unfit, of enlistments, of pivotal men in industry or agriculture or the like circumstances, which would increase the relative numbers of classes 2 to 5. If such shall prove to be the case, the presumption of error will be overthrown and the board's classification will be allowed to stand as final.

PAR. 5. But the burden of explanation will lie upon all such boards. And such explanation must be promptly made, with adequate details to support it. The explanation must be scrutinized by you.

PAR. 6. Immediate inspection should be made of all local boards who do not give a complete and satisfactory explanation for the abnormal number of those appearing in class 1. This inspection will be made best by local board members, or Government appeal agents, or others who have demonstrated their ability and skill in the application of the selective-service regulations. They should be men who have handled the same kind of problems which confronted the local board whose classification has apparently failed. They should be charged with the importance of the task assigned to them, and perform it without offense to the local board whose records are being examined. They should work expeditiously and make prompt report. Where possible they might through suggestion have errors corrected, and thus accomplish immediate results, without a large number of appeals to district boards.

PAR. 7. A sufficient number of inspectors should be appointed, consistent with the character of men required, to insure the earliest possible completion of this task. It is suggested that immediate assignments be made and that a complete investigation be under way not later than April 10. It is earnestly desired that a complete report be in your hands and a copy of such report filed with this office not later than April 25.

PAR. 8. You may issue to them the necessary travel orders and compensate them on the basis of \$7.50 a day. This inspection should be made at the earliest possible moment, as the information sought is of the greatest importance at this time.

CROWDER.

N. B.—After the addition of the following paragraph the above telegram was sent to Nebraska:

PAR. 9. For congressional criticism of selective-service law in Nebraska see CONGRESSIONAL RECORD, March 29, page 4306.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. FIELDS. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD some tables which show that certain parts of this country have



mainly young and unmarried men who would go into class 1. I have taken these from the census of 1910 which nobody can challenge.

Mr. GORDON. But New Jersey is not one of those States. Mr. PARKER of New Jersey. New Jersey is one of those States that has sent out a number way above its quota.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. PARKER of New Jersey. Under leave to extend my remarks, I add the following:

The unfairness of making the draft in proportion to population, or even to registration, is shown by the fact that some States are full of newcomers, who are young and mostly unmarried men of class 1, while in other States many of the young men have gone away. In the Abstract of the Census of 1910 there are no statistics of the males in each State between 21 and 30 years of age, but the militia table shows that the proportion of males from 18 to 44 years of age per thousand was, in—

North Carolina.....	178
Georgia.....	191
Virginia.....	193
Tennessee.....	194
Alabama.....	188
Mississippi.....	192
Maine.....	204
New Jersey.....	236

And the average for the whole United States was 223, while it was in—

Montana.....	328
Wyoming.....	374
Nevada.....	359
Washington.....	298
Arizona.....	289
Oregon.....	283
California.....	280

(Taken from page 119 of the Abstract of the Census, 1910.)

This proportion was very much greater in the younger ages. The per cent of the whole population between the ages of 20 and 29 of both sexes was as follows, as shown on page 136:

	20 to 24 years.	25 to 29 years.	20 to 29 years.
Vermont.....	8.1	7.6	15.7
Maine.....	8.3	7.7	16.0
New Hampshire.....	8.6	7.8	16.4
Virginia.....	9.5	7.8	17.3
North Carolina.....	9.5	7.6	17.1
Average.....	8.8	7.7	16.5

While in—

	20 to 24 years.	25 to 29 years.	20 to 29 years.
Oregon.....	10.5	10.4	20.9
Arizona.....	10.2	10.8	21.0
Washington.....	10.7	11.0	21.7
Montana.....	11.5	11.8	23.3
Wyoming.....	13.3	13.4	26.7
Average.....	11.2	11.5	22.7

Even this does not represent the real difference, because in the States first named there were just about as many men as women (see p. 100), while in Montana there were 152 men for every 100 women; Wyoming, 168.8 men for every 100 women; Arizona, 138.2 men for every 100 women; Washington, 136.3 men for every 100 women; Oregon, 133.2 men for every 100 women; so that a much larger proportion of the population of draft age were men in these latter States, and were largely or mostly unmarried.

For example, in North Carolina, there were 171 of every 1,000 of both sexes between the ages of 20 and 29, and in that State there were only 99.2 men to every 100 women, by which proportion less than 85 would be men (84.321). In my own State there were 192 of whom just half, or 96, were men. On the other hand, in Montana, there were 233 of every 1,000 men and women of ages between 20 and 29, and in that State there were 152 men to every 100 women, by which proportion over 140 of the 233 would be men (140.64).

The difference was still greater between Vermont and Wyoming. In Vermont there were only 157 between 20 and 29 of the 1,000 of both sexes, and there were 105.6 men to every 100 women, so that of this 157, less than 81 (80.63) would be men. While in Wyoming, 267 of every 1,000 were between the ages of 20 and 29, but there were 168.8 men to every 100 women, so that

of the 267, more than 167 (167.06) would be men, or more than double the number of men in Vermont.

In Wyoming, where there were two-thirds more men than women, most of the men seem to have been unmarried and in class 1.

We want to win this war, and in order to be fair we should first take the class that can go without deranging society. Younger men even than 21 are eager to come in. We should add younger ages to the draft; and if they prove fit they should be qualified to be officers.

I support the joint resolution as it is—I oppose the amendment which, like the present law, would disregard the principles of the selective draft and compel some communities to send forward men from the deferred classes, while others would keep back a large number of class 1, who should be the first called.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker and gentleman of the House, the table of classification of registrants in the various States that has been referred to so very frequently happens to show that of class 1 registrants my State's percentage is 28, a fraction over the average of the whole country, and consequently its position can not be urged as affecting my view. In fact, I do not think it matters one iota in the determination of this question, and it is because of the emphasis of that phase of the matter that so many gentlemen here are being led into error. I shall not waste any time in impugning the motives of men. I shall not follow the example of my friend from Arkansas [Mr. CARAWAY], who at first spurned any imputation as to the motives of those on his side and then proceeded to challenge the motives of those opposing him. I think the differences of opinion that have arisen have arisen because of the emphasis men put on certain phases of the question. Many gentlemen seem to think that the most important thing here is to do exact and complete equity between localities.

I think the most important thing to-day is to give to the National Government that class of men that can perform the greatest service with the minimum cost and loss to the Nation. [Applause.] That is the distinction that existed between the two sides when the original fight was up here upon the draft law, and it is the distinction that runs through this whole matter here to-day. We are really fighting over in a new guise the old issue as to whether men shall think of locality and the equities and rights of individuals as the paramount consideration, or shall consider what the Nation needs as the paramount thing. What is the difference between the two proposals as I see it? Both sides have reached the point where they believe in a classification, a classification that designates what men shall be chosen first, and presumably designates those men because they are the men best fitted to perform the work for which the Nation calls them.

One group here, after making a classification, proposes to live to it, and the other group says, "We are in favor of the classification and we will live to it as long as it does not interfere with an arbitrary rule of distribution according to population." I submit to the House, which is the logical position and which is not?

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. For a question.

Mr. GORDON. That arbitrary distinction the gentleman speaks about is in the law which he voted for and advocated on this floor?

Mr. SHERLEY. Yes; and it is because that arbitrary distinction did not work well that we are willing to amend the law. We are not so hidebound that we have to stick by a position, even though it be a wrong one, and I suggest that liberality of mind to the distinguished gentleman from Ohio. [Applause.]

We have had another curious parallel in this debate. We have had gentlemen express tremendous fears as to what the War Department could and would do; fears which, by the way, could not be realized without a violation of the law. I desire only to call attention to the fact that those fears so expressed here are equalled only by the fears expressed by the same gentlemen touching the frightful results that would flow from the draft act at the time it was up for discussion. [Applause.] After all, Mr. Speaker, there is only one basis upon which the opposition to the majority proposal can really rest its case, and that is that the various boards have either so ignorantly or so fraudulently performed their work as to create such inequalities in localities as to justify your disregarding the classification rule that we have set out.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. FIELD. Mr. Speaker, I yield two minutes to the gentleman.

Mr. SHERLEY. Mr. Speaker, that is a necessary predicate for the position that is taken by those gentlemen to-day. I deny it as a fact. I deny it according to the figures that they themselves have here put in evidence and which show an average for the whole country that is much nearer to the percentages of each of the States than the average that would be obtained by using the arbitrary rule of population. Let me suggest to the gentleman one other matter. You can correct, and you are correcting by the revision of the action of the local boards, the inequalities and the wrongs that have been done by the local boards. You state that they are human and that they make mistakes and that therefore you should not follow them. It is true they make mistakes, but when they make a mistake there can be an effort to remedy it, but when there is inequality from an arbitrary rule that has been adopted, then there is no way of getting away from the inequality of that arbitrary, mathematical rule which you adopt and which does not fit the facts, and gentlemen should bear that in mind when they discuss the matter.

It is important, in my judgment, that every man in class 1, broadly speaking, should be taken before the other classes are invaded. If that is not true, why did you classify? If you are going to have the rule of apportionment applying to all men who are subject to military service, what is the use of having five groups? [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has again expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. Mr. Speaker, it is an unfortunate fact that as a debate proceeds it too often happens that gentlemen undertake to project into that debate suggestions that have no sort of relation to the matter before the House. This is too often done in the hope that the cause advocated may be won in the result, by the creation of a distracting and befogging prejudice. The gentleman from Illinois [Mr. MADDEN] stated that the great bulk of the speeches that have been made to-day in favor of the Shallenberger amendment had been made by gentlemen who were opposed to the war resolution. I merely wish to say in response to that statement that I challenge it absolutely. So far as I am aware, only one speech of the many that have been made this afternoon in support of the Shallenberger amendment was made by a gentleman who voted against, or was opposed to, the declaration of war.

Mr. MADDEN. Mr. Speaker, the gentleman does not want to do me an injustice? He does not want to misquote what I said?

Mr. SAUNDERS of Virginia. No. I do not.

Mr. MADDEN. The gentleman does not state what I said at all.

Mr. SAUNDERS of Virginia. I so understood the gentleman.

Mr. MADDEN. What I did say was that the gentlemen who were making speeches here to-day advocating the Shallenberger amendment opposed the draft.

Mr. SAUNDERS of Virginia. I did not understand the gentleman to use the word "draft."

Mr. MADDEN. That is what I said.

Mr. SAUNDERS of Virginia. If the gentleman states that he used the word "draft," why of course I withdraw what I said. I did not so understand him, but if I was mistaken, I have nothing further to say in the way of comment on the gentleman's remarks. It is true that I was one of the Members who opposed the draft, and the difficulties which have confronted the War Department in the administration of the draft act, an act which they are now seeking to radically amend very clearly shows that our attitude of critical opposition to that act was well qualified.

There is no one word that I had to say in the debate on the draft act that I care to withdraw to-day. It has never been shown that at the time that act was passed, it was necessary to resort to conscription. But that incident is closed. Like every other Member of this body I accepted the verdict of the majority, and have uniformly from that time forward given my hearty and undeviating support to every proposition designed to win this war. [Applause.] But to return to the question before the House. The gentlemen opposing this amendment, have sought to a most astonishing extent to confuse the pending proposition with some other proposition heretofore acted upon and with which it has no relationship. The gentleman from Kentucky [Mr. SHERLEY], who ought to be informed about this legislation, has sought to create the impression by what he has had to say, that this in another form is the old fight, against the draft, presenting the same issue, and to be

decided upon the same considerations. The Shallenberger amendment will in no wise hinder, or obstruct the task of raising a National Army by the process of conscription.

In this connection allow me to quote the declaration made on yesterday, by my colleague, Judge HARRISON, a member of the Committee on Military Affairs, and thereby bring the House back to the consideration of the real question that is in issue:

The difference between this resolution and the Shallenberger amendment does not involve the size of the Army. Neither resolution, nor the amendment will add a single soldier to the number now authorized.

The Shallenberger amendment proposes to give a State, or a subdivision, credit for its enlistments, and in addition that a quota required of a State shall be in proportion to the men in the four classes liable for military service, and not in proportion to the men in class 1. It is the purpose of the War Department to make class 1 the reservoir from which the fighting men shall be drawn. The Shallenberger amendment in no wise contravenes, or interferes with that purpose. Bear that in mind. Keep it in view in the consideration of this amendment which is a proposition of simple and fundamental justice. Why should one State, or one community furnish more fighting men than another State, or community similarly situated, and equally well supplied with men liable to military service? Why do gentlemen seek to befog this argument, by suggesting that this amendment has a meaning which plainly it does not carry?

The gentleman from Vermont [Mr. GREENE] stated on yesterday that this is a national war, and that we ought to think in national terms. Certainly I agree to that. I believe that I can think in national terms as truly and as patriotically as my colleague.

But when you undertake to think in national terms why is it necessary to commit injustice? Think nationally, if you will, but in the same connection, think justly, and do justice. The two are not incompatible. Now the foundation of any law, and of any thought, national or local, should be justice. Justice to the individual, means justice to the collective mass. No law not founded in, and resting upon justice, will ever receive the comprehensive and enthusiastic support, of the truly patriotic citizens of this Republic. Why, said the Member from Kentucky, the gentlemen who support the Shallenberger amendment talk about the equities of the case. Aye, why not? Unless we regard those equities how will you maintain the morale of our people who are asked to sacrifice themselves and their nearest and dearest in the prosecution of this colossal, world-shaking war? Unless you have regard for those equities, how will you appeal to them to make the ultimate sacrifice for home, and country? Unless those equities are conserved do you believe that you will ever be able to implant in the hearts of the American soldiers the flame of imperishable, and undying patriotism, the sense of high endeavor, and immortal sacrifice, without which we will never win this war?

Mr. WINGO. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I regret I have not the time to yield. In this connection, I desire to present another thought. What is the underlying principle upon which the right of national conscription is supposed to rest?

It is that upon all alike, one man with another, there is imposed the obligation of national service. What does that mean? It means that the men in Maine and in California, in Washington and in Florida are equally liable to be expended and to be sacrificed in the service of the motherland. Is that universal liability consistent with the suggestion that it is more incumbent upon one section than upon another to defend the flag in Flanders? Surely not. Every community, in proportion to its supply should furnish fighting men for the armies of the Republic. If Maine has 10,000 fighting men, and California 20,000, then on every call California should furnish two men for every one furnished by Maine. Who will gainsay a proposition so plainly just? The pending resolution is an ingeniously devised method by which a State with an inferior population may be required to furnish more soldiers than another State, with double its population. This injustice the Shallenberger amendment is designed to correct. The gentleman from California [Mr. KAHN], in the course of his remarks threw up many coruscating rhetorical fireworks, star bombs, skyrockets, and Roman candles. He alluded to Picardy, and Normandy, and Brittany, to Ireland, and Scotland, and possibly other countries known to ancient, and modern history, but not intimately connected with the Shallenberger amendment. And when he returned to earth, after this dizzy aerial flight, the substance of what he seemed to be saying was that after all, it should not be considered an act of injustice to require one State to furnish more young men for the supreme sacrifice, than another State of equal population.

Mr. KAHN. Will the gentleman yield?



Mr. SAUNDERS of Virginia. Not at this time, I will be glad to yield later. I would like to put up this proposition to the gentleman from California, and ascertain whether he would be willing to live up to the magniloquent sentiments announced in the course of his rhetorical appeal to this body to reject the Shallenberger amendment.

Mr. KAHN. I will try to do so.

Mr. SAUNDERS of Virginia. If California had furnished 50,000 men to carry on this war, and Virginia had not furnished a man, it would be competent for the Nation to call upon California for another 50,000, and exempt Virginia from that call. I would like to inquire of the gentleman from California whether under those circumstances, he would approve that national action, and justify it before the people of his State and district, as a fair and just exercise of national authority? As a matter of fact, it appears from the figures put into the RECORD by the gentleman from Arkansas, that the gentleman from California is very differently situated. So far from his State being called upon to furnish more fighting men, than other States, it appears that under the plan which the gentleman advocates, his State will fare uncommonly well. California has about one and a half times as many people as Arkansas, but the latter State will furnish many more soldiers than California. Is that right? Can an amendment which will correct so gross, and palpable an injustice, be possibly wrong? Any proposition which makes such an inequality a possibility, reeks with injustice.

Mr. KAHN. Allow me to furnish the gentleman with the figures from those two States.

Mr. SAUNDERS of Virginia. I have the figures, and will furnish them later. The resolution which the gentleman from California supports, provides in substance according to the plans of the Provost Marshal General, that class 1 shall furnish the fighting material of the future drafts. The other classes may be drawn upon, in theory, but in practice, it is contemplated that class 1 will be drawn upon, until it is exhausted, to furnish the men for the line. This class has been created under the questionnaire system. By the action of the local boards in the exercise of a flexible and ill-defined power of discretion, this class has been so constituted that if the future soldiers are drawn in proportion to its contents, the grossest inequalities and injustices will be developed. Some counties with a large population have a small class 1. Other counties with a small population have a large class 1. This means that under this resolution, if the Shallenberger amendment is defeated, a county with a small population but a strict local board, will furnish a very much greater number of soldiers, than another county with a larger population but a more easy-going board. This will be absolutely and fundamentally unjust. The gentleman from Virginia, and the gentleman from Iowa, have furnished a number of illustrations showing the inequalities between counties, that have been created by the action of the respective local boards. The boards that have so administered the regulations of the Provost Marshal General, as to create in their respective counties a well-filled first class, have created a situation in which their people will be the inevitable sufferers. Other counties with a small class 1, and abundant material in the other classes, will profit at their expense. It is suggested that this inequality is only apparent, not real, since the Provost Marshal General can draw men from the other classes, in the favored counties. Yes, these may be drawn, but for expert work, not for fighting. I am concerned for the men in class 1. They are the men upon whom the real burden, the real tragedy of this war will fall.

Another ground of objection to the pending resolution is that it is grossly unfair to the farmers. Under the questionnaire system inaugurated by the Provost Marshal General, young men who are suitable for fighting men, but who in addition can qualify as skilled laborers are not included in class 1. But the farmers in the view of the department and taken as a whole, are not rated as skilled laborers. Gen. Crowder stated in his testimony that class 1 would be larger in the country, than in the urban communities, for the reason that skilled labor is not so abundant in the country. This means of course that the country people, that is to say, the farmers will be required to furnish more fighting men than the towns. Is this just, or fair? Is it true that skilled labor is lacking in the country? The fact is that in any real sense the farmers are as a class, entitled to be rated as skilled laborers, fully as much as the blacksmith, or the carpenter, or the shipwright, or the boiler maker, or the motor car craftsman. The young man who has spent 15, or perchance 20 years of his life, in the active and intelligent cultivation of the soil, is a skilled laborer. If put into the shops, or required to do artificer's work, he would be fully as efficient in his new field, as the handicraftsman upon the farm. It is ab-

surd to contend otherwise. It is said that the man in the trades is serving his country, and doing his bit. Yes, but do not compare his lot with that of the man in the line, at \$30 a month, confronting death at every turn in its most horrid forms.

What is the sacrifice involved in working in the munition plants, or shipyards, in perfect safety, and in the regular enjoyment of the normal wages? These enterprises are necessary, I agree, but so is agriculture. Daily we are told that food will win this war. How will that food be produced? If class 1 in the agricultural communities is to be filled with the so-called unskilled labor now tilling the farms, and this labor to be later drawn into active service, the question may well be asked who will till the farms? Why is the man who can handle the auger, or the broadax, or the plane, to be preferred over the man who can drive a team, turn a furrow, direct a reaper, or handle a tractor? I know many men of the latter type who are now in the camps, and their farms lying idle. Still food, we are told, will win the war. So will guns, and powder, and ships, and over and above all, men. But these men should be fairly, and justly procured. No artificial distinction should put the artisan in the skilled labor class, and recruit the experienced agriculturist to class 1 for service in the trenches. I protest against this injustice, just as I protest against the proposition to make one section, or community furnish proportionately more fighting men, than another community similarly situated. Such an inequality means that a greater burden will fall upon the community furnishing the excess of men. There will be more sorrow, and tears in that community, more sorrowing fathers, more weeping mothers, more pitiful figures in stricken homes, the pathetic wastage thrown up by the tides of war. I protest that this burden should be equally shared and that an amendment which in the largest measure will secure this equality, should receive the full support of this body. The task of raising an army is our task under the fundamental law.

In the discharge of this task, we should think in national terms, but remember that equality is equity. The bare power to do injustice, does not justify injustice. The right to call to service in unequal proportions, does not justify the exercise of that right. It should be our task to formulate a law which will afford an army adequate to our necessities, but one so fairly constituted, so appropriately selected that no one will be found to challenge the justice of our creation.

In conclusion I submit the figures as to California and Arkansas, taken from the CONGRESSIONAL RECORD: California has a population of 2,377,549. In class 1 are found 21 per cent of her registrants. Arkansas has 31 per cent in class 1, that is in her reservoir of fighting men, and a population of 1,575,449. It will not be difficult to figure out which of these two States occupies a preferred situation. Under the Crowder plan, Arkansas will furnish many more fighting men than California, though the population of that State far exceeds the figures for Arkansas. I need not enlarge upon the lesson conveyed by this comparison. Mr. Speaker, the decision of this issue is remitted to the Members of this body. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. FIELDS. Mr. Speaker, I yield to myself the time that remains.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized.

Mr. FIELDS. Mr. Speaker, the first thing I desire to call attention to, in view of the colloquy between the gentleman from Alabama [Mr. BURNETT] and the gentleman from California [Mr. KAHN] is that Alabama has furnished 1,998 volunteers, while California has furnished 5,430 volunteers. [Applause.]

Mr. BURNETT. How about Kentucky?

Mr. FIELDS. I have not looked up the figures, but she has always furnished her share.

Mr. CALDWELL. Kentucky has furnished 2,415.

Mr. FIELDS. Mr. Speaker, there has been a good deal of camouflage about this whole proposition. The minority members did not offer these amendments in committee and they did not suggest or even refer to them in their minority report. They opposed the bill in committee and attempted to defeat it because, forsooth, in a county here and there in their congressional districts there was apparently some inequality in the classification by the local boards. Notwithstanding the fact that the head of that branch of the War Department that has taken the responsibility of raising the soldiers to fight this war urges that the passage of this bill is absolutely essential, these gentlemen oppose it because of these minor inequalities that exist here and there in counties throughout their districts. I regret that these conditions exist, but they are not as extensive under the new classification as under the old, as I showed you yesterday and as has been shown by other members of the committee.

Now, in order to carry out their plans to defeat the bill they come in with a proposition to cut out of the bill all there is in it.

The first part is the Shallenberger amendment with regard to the quota basis, which, if adopted, will destroy the bill and defeat its purpose, and in order to try to pass that amendment they tack onto it two propositions. First, the proposition that all aliens who do not claim exemption shall be classified. Why, that is done anyhow. Every registered alien in the United States who did not claim exemption because of his alienage was classified and put into class 1, unless he claimed a deferred classification because of dependents.

Then what is the other proposition? It is camouflage, pure and simple. In order to win votes for the first proposition, the purpose of which is to destroy the bill, they tack onto it a proposition to give credit for enlistments that have already been made and for which credits have already been given. And in order to relieve them of that advantage I shall demand a division of the question at the proper time, and the first vote will be upon the quota proposition. I want gentlemen to bear that in mind. I do not want gentlemen to get confused. The second vote will be upon the question of allowing credits. So gentlemen will understand the vote when it comes.

Gentlemen this is not a time to cavil over differences that exist here and there in some parts of a county or of counties of the various districts of the United States. The War Department says that this legislation is necessary. Every Member of Congress owes it to the War Department to uphold its hands, because we have laid upon it the responsibility of conducting this war, the outcome of which will write the future history of the democracy of the world.

At a time like this, when the democracy of the world is hanging in the balance, men can not on the floor of this House afford to cavil over minor differences that may have grown out of some injudicious act or some unwarranted decision of some local board somewhere in the United States. We have laid this responsibility upon the War Department. We expect that branch of the Government to make good, and we should give it the law necessary to enable it to do so. [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has expired. All time has expired. The question is on agreeing to the Shallenberger amendment.

Mr. FIELDS. Mr. Speaker, I demand a division of the amendment.

The SPEAKER. The gentleman from Kentucky demands a division of the amendment, and the Clerk will report the first proposition in it.

The Clerk read as follows:

Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, called under the provisions of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," shall hereafter be determined in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption.

The SPEAKER. The question is on agreeing to that proposition, the first half of the Shallenberger amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. FIELDS. Mr. Speaker, I demand a division.

Mr. KAHN. I ask for a division, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky demands a division.

The House divided; and there were—ayes 80, noes 132.

Mr. SHALLENBERGER. I demand the yeas and nays.

The SPEAKER. The gentleman from Nebraska demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of the first half of the Shallenberger amendment, the first proposition just read, will vote "yea" when their names are called; those opposed will vote "nay."

The question was taken; and there were—yeas 118, nays 243, answered "present" 3, not voting 67, as follows:

#### YEAS—118.

Alexander	Caraway	Estopinal	Humphreys
Almon	Carlin	Goodwin, Ark.	Jacoway
Aswell	Carter, Okla.	Gordon	Johnson, Ky.
Austin	Cary	Gray, Ala.	Jones, Tex.
Ayres	Church	Griffin	Keating
Bankhead	Clark, Fla.	Hardy	Kehoe
Barnhart	Claypool	Harrison, Va.	Kincheloe
Bell	Collier	Hayden	Kitchin
Black	Conna'ly, Tex.	Helm	La Follette
Blackmon	Connolly, Kans.	Helvering	Larsen
Blanton	Crisp	Hilliard	Lee, Ga.
Booher	Dent	Holland	Leshner
Brand	Dewalt	Houston	Little
Brodbeck	Dies	Howard	Lobeck
Burnett	Dill	Huddleston	London
Cannon	Dominick	Hull, Iowa	McKeown

Mansfield	Rayburn	Stafford
Martin	Roberts	Stegall
Mays	Robinson	Stephens, Miss.
Mondell	Rouse	Stevenson
Montague	Russell	Sumners
Nicholls, S. C.	Sanders, La.	Taylor, Ark.
Oldfield	Saunders, Va.	Thomas
Oliver, Ala.	Sells	Thompson
Overstreet	Shackleford	Tillman
Park	Shallenberger	Van Dyke
Polk	Sherwood	Venable
Price	Shouse	Vinson
Ragsdale	Slomp	Walker
Randall	Sloan	Watkins

#### NAYS—243.

Anderson	Esch	Knutson	Rogers
Anthony	Evans	Kraus	Romjue
Asbrook	Fairchild, B. J.	Kreider	Rose
Bacharach	Fairchild, G. W.	Langley	Rowe
Baer	Fairfield	Lazaro	Rubey
Barkley	Farr	Lea, Cal.	Rucker
Benkes	Ferris	Leibach	Sabath
Beshlin	Fields	Lenroot	Sanders, Ind.
Bland	Fisher	Linthicum	Sanford
Bowers	Focht	Littlepage	Scott, Mich.
Britten	Fordney	Loneragan	Scott, Pa.
Browne	Foster	Lufkin	Scully
Brownling	Francis	Lunn	Sherley
Buchanan	Frear	McArthur	Siegel
Burrongs	Freeman	McCormick	Sims
Butler	French	McEadden	Sinnott
Byrns, Tenn.	Fuller, Ill.	McKenzie	Slayden
Caldwell	Fuller, Mass.	McKinley	Small
Campbell, Kans.	Gard	McLaughlin, Mich.	Smith, Idaho
Campbell, Pa.	Garland	McLaughlin, Pa.	Smith, Mich.
Cantrill	Garner	Madden	Smith, C. B.
Chandler, N. Y.	Garrett, Tenn.	Magee	Snell
Chandler, Okla.	Garrett, Tex.	Mages	Snook
Clark, Pa.	Gillett	Mason	Stedman
Classon	Glass	Meeker	Steel
Coady	Glynn	Merritt	Steenerson
Cooper, Ohio	Goodall	Miller, Minn.	Sterling, Ill.
Cooper, W. Va.	Gould	Moore, Pa.	Sterling, Pa.
Coopr. Wis.	Graham, Ill.	Moore, Ind.	Stinson
Copley	Gray, N. J.	Morgan	Strong
Cox	Green, Iowa	Morlin	Sullivan
Crago	Greene, Mass.	Mott	Sweet
Cramton	Greene, Vt.	Mudd	Swift
Crosser	Gregg	Nelson	Switzer
Currie, Mich.	Griest	Nichols, Mich.	Tacue
Dale, N. Y.	Hadley	Nolan	Talbot
Dale, Vt.	Hamill	Oliver, N. Y.	Temple
Dallinger	Hamilton, Mich.	Olney	Tilson
Darrow	Hamlin	Ostorne	Timberlake
Davidson	Haskell	O'Shaunessy	Tinkham
Davis	Hastings	Overmyer	Treadway
Dempsey	Hawley	Padgett	Vare
Denton	Hayes	Palge	Vestal
Dickinson	Heaton	Parker, N. J.	Volz
Dillon	Hersev	Peters	Waldow
Dixon	Huli, Tenn.	Phelan	Walsh
Dooling	Husted	Platt	Walton
Doolittle	Hutchinson	Porter	Ward
Doramus	Igoe	Pou	Wason
Doughton	Ireland	Pratt	Watson, Pa.
Drane	James	Purnell	Weaver
Dupré	Johnson, Wash.	Ovin	Wetly
Dyer	Kahn	Railey	White, Me.
Eagan	Kearns	Raker	White, Ohio
Eagle	Kelley, Mich.	Ramseyer	Wilson, Ill.
Edmonds	Kelly, Pa.	Rankin	Winstow
Elliott	Kennedy, Iowa	Reavis	Woods, Iowa
Ellsworth	Kennedy, R. I.	Reed	Woodward
Elston	Key, Ohio	Riordan	Young, N. Dak.
Emerson	Kless, Pa.	Robbins	Zihlman
	Kinkaid	Rodenberg	

#### ANSWERED "PRESENT"—3.

Good	Longworth	Lundeen
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#### NOT VOTING—67.

Borland	Flynn	Jones, Va.	Powers
Brumbaugh	Foss	Juul	Ramsey
Byrnes, S. C.	Gallagher	Kettner	Rowland
Candler, Miss.	Gallivan	King	Sanders, N. Y.
Carew	Gandy	La Guardia	Schall
Carter, Mass.	Godwin, N. C.	Lever	Scott, Iowa
Cleary	Graham, Pa.	McAndrews	Sears
Costello	Hamilton, N. Y.	McClintie	Sisson
Curry, Cal.	Harrison, Miss.	McCulloch	Smith, T. F.
Decker	Haugen	McLemore	Snyder
Delaney	Heflin	Maher	Stephens, Nebr.
Donovan	Heintz	Mann	Taylor, Colo.
Dowell	Hensley	Miller, Wash.	Templeton
Drukker	Hicks	Moon	Towner
Dunn	Hollingsworth	Neely	Volstead
Fess	Hood	Norton	Wood, Ind.
Flood	Johnson, S. Dak.	Parker, N. Y.	

So the first part of the Shallenberger amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. CANDLER of Mississippi (for) with Mr. BRUMBAUGH (against).

Mr. Sisson (for) with Mr. LONGWORTH (against).

Mr. LEVER (for) with Mr. CARTER of Massachusetts (against).

Until further notice:

Mr. JONES of Virginia with Mr. ROWLAND.

Mr. KETTNER with Mr. SCOTT of Iowa.

Mr. McANDREWS with Mr. TEMPLETON.



Mr. McLEMORE with Mr. RAMSEY.  
 Mr. MAHER with Mr. TOWNER.  
 Mr. NEELY with Mr. VOLSTEAD.  
 Mr. TAYLOR of Colorado with Mr. JOHNSON of South Dakota.  
 Mr. MOON with Mr. SANDERS of New York.  
 Mr. HENSLEY with Mr. HEINTZ.  
 Mr. THOMAS F. SMITH with Mr. McCULLOCH.  
 Mr. SCHALL with Mr. DRUKKER.  
 Mr. GALLAGHER with Mr. CURRY of California.  
 Mr. SEARS with Mr. DOWELL.  
 Mr. DECKER with Mr. HOLLINGSWORTH.  
 Mr. BORLAND with Mr. GOOD.  
 Mr. STEPHENS of Nebraska with Mr. HAMILTON of New York.  
 Mr. BYRNES of South Carolina with Mr. HICKS.  
 Mr. GALLIVAN with Mr. DUNN.  
 Mr. HARRISON of Mississippi with Mr. FOSS.  
 Mr. GANDY with Mr. NORTON.  
 Mr. McCLINTIC with Mr. WOOD of Indiana.  
 Mr. CAREW with Mr. PARKER of New York.  
 Mr. CLEARY with Mr. COSTELLO.  
 Mr. DELANEY with Mr. FESS.  
 Mr. DONOVAN with Mr. HAUGEN.  
 Mr. FLOOD with Mr. GRAHAM of Pennsylvania.  
 Mr. FLYNN with Mr. JUUL.  
 Mr. GODWIN of North Carolina with Mr. KING.  
 Mr. HEFLIN with Mr. MILLER of Washington.

Mr. GOOD. Mr. Speaker, I desire to know if the gentleman from Missouri [Mr. BORLAND] voted?

The SPEAKER. He did not.

Mr. GOOD. When my name was called I voted "nay." I am paired with the gentleman from Missouri, Mr. BORLAND, and I desire to withdraw that vote and to answer "present."

Mr. LONGWORTH. Mr. Speaker, I desire to know if the gentleman from Mississippi, Mr. Sisson, voted?

The SPEAKER. He did not.

Mr. LONGWORTH. I voted "nay." I desire to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the last half of the amendment.

The Clerk read as follows:

And credit shall be given on its quota to every State, Territory, District, or subdivision thereof for the number of men who have entered the military service of the United States from any State, Territory, District, or subdivisions thereof since May 1, 1917, including members of the National Guard who were in the Federal service on that date.

Mr. PHELAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PHELAN. May I offer an amendment to that amendment without debate?

The SPEAKER. Yes.

Mr. WINGO. Is it not too late?

The SPEAKER. There were two propositions, and the vote was on the first. The Clerk will report the amendment of the gentleman from Massachusetts.

Mr. RAGSDALE. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RAGSDALE. In agreeing to a vote at a particular period of time my understanding was that we would then vote on the amendment and all amendments thereto.

The SPEAKER. The debate was on the amendment and all amendments thereto.

Mr. FIELDS. I will say to the gentleman that my request for unanimous consent applied only to the debate on the Shallenberger amendment and amendments thereto.

The Clerk read as follows:

Amendment by Mr. PHELAN: Amend, by inserting after the word "military," the words "or naval," so that the line will read as amended "or subdivision thereof for the number of men who have entered the military or naval service of the United States."

The SPEAKER. The question is on the Phelan amendment to the Shallenberger amendment.

The question was taken; and on a division (demanded by Mr. KAHN) there were 226 ayes and 31 noes.

So the amendment to the amendment was agreed to.

Mr. BARKLEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARKLEY. The original amendment of the gentleman from Nebraska provided that certain words should be stricken out of the bill and his whole amendment inserted in lieu thereof. The first half having been voted down, do we vote on the proposition nevertheless to insert the last half, or does the last half come in after the bill?

Mr. SHALLENBERGER. The motion to strike out the lines in the first part of my amendment was voted down, and this will go to the end of the bill.

The SPEAKER. The question is on agreeing to the last half of the Shallenberger amendment as amended.

Mr. COOPER of Wisconsin. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 292, nays 66, answered "present" 3, not voting 70, as follows:

#### YEAS—292.

Alexander	Fairchild, B. L.	Larsen	Scully
Almon	Farr	Lazaro	Sells
Ashbrook	Ferris	Lee, Ga.	Shackelford
Aswell	Fisher	Lenroot	Shallenberger
Austin	Focht	Leshor	Sherwood
Ayres	Fordney	Linthicum	Shouse
Bankhead	Poster	Little	Siegel
Barkley	Francis	Littlepage	Sims
Barnhart	Frear	Lobeck	Sinnott
Bell	French	London	Slayden
Beshlin	Fuller, Ill.	Loneragan	Slomp
Black	Gard	Lufkin	Sloan
Blackmon	Gariand	McArthur	Small
Blanton	Garner	McCormack	Smith, Idaho
Booher	Garrett, Tex.	McFadden	Smith, C. B.
Bowers	Goodall	McKeown	Snell
Brand	Goodwin, Ark.	McKinley	Snook
Brodbeck	Gordon	McLaughlin, Pa.	Stafford
Browne	Gould	Magee	Stegall
Brumbaugh	Graham, Ill.	Mansfield	Stedman
Buchanan	Gray, Ala.	Martin	Steele
Burnett	Green, Iowa	Mason	Steenerson
Burroughs	Greene, Mass.	Mays	Stephens, Miss.
Butler	Gregg	Mondell	Sterling, Ill.
Byrns, Tenn.	Griest	Montague	Stevenson
Campbell, Pa.	Griffin	Morgan	Stiness
Cannon	Hadley	Mudd	Strong
Cantrill	Hamill	Nelson	Sullivan
Caraway	Hamilton, Mich.	Nicholls, S. C.	Summers
Carlin	Hamlin	Nichols, Mich.	Sweet
Carter, Okla.	Hardy	Oldfield	Swift
Cary	Harrison, Va.	Oliver, Ala.	Switzer
Chandler, N. Y.	Haskell	Oliver, N. Y.	Tague
Chandler, Okla.	Hastings	O'Shaunessy	Talbot
Church	Haugen	Overmyer	Taylor, Ark.
Clark, Fla.	Hayden	Overstreet	Thomas
Clark, Pa.	Heaton	Padgett	Thompson
Classon	Helm	Paige	Tilman
Claypool	Helvering	Park	Timberlake
Collier	Hersey	Phelan	Treadway
Connally, Tex.	Hilliard	Polk	Vare
Connolly, Kans.	Holland	Porter	Venable
Cooper, Ohio	Houston	Pou	Vestal
Cooper, W. Va.	Howard	Pratt	Vinson
Cooper, Wis.	Huddleston	Price	Voigt
Cox	Hull, Iowa	Purnell	Walker
Crisp	Hull, Tenn.	Quin	Walsh
Dale, N. Y.	Humphreys	Ragsdale	Walton
Dallinger	Husted	Ralney	Ward
Darrow	Hutchinson	Raker	Wason
Davidson	Igoe	Ramseyer	Watkins
Davis	Ireland	Randall	Watson, Pa.
Dempsey	Jacoway	Rayburn	Watson, Va.
Dent	James	Reavis	Weaver
Denton	Johnson, Ky.	Reed	Webb
Dewalt	Johnson, Wash.	Riordan	Wellington
Dickinson	Jones, Tex.	Roberts	Welty
Dill	Kearns	Robinson	Whaley
Dillon	Keating	Rodenberg	Wheeler
Dixon	Kehoe	Rogers	White, Me.
Dominick	Kelly, Pa.	Romjue	White, Ohio
Dooling	Kennedy, Iowa	Rose	Williams
Doolittle	Kennedy, R. I.	Rouse	Wilson, Ill.
Doremus	Key, Ohio	Rubey	Wilson, La.
Doughton	Kless, Pa.	Rucker	Wilson, Tex.
Drane	Kincheloe	Russell	Wingo
Dupré	Kinkaid	Sabath	Winslow
Dyer	Kitchin	Sanders, Ind.	Wise
Eagan	Knutson	Sanders, La.	Woods, Iowa
Eagle	Kraus	Saunders, Va.	Woodyard
Edmonds	Kreider	Schall	Wright
Esch	La Follette	Scott, Mich.	Young, Tex.
Estopinal	Langley	Scott, Pa.	Zihman

#### NAYS—66.

Anderson	Dale, Vt.	Kahn	Olney
Anthony	Denison	Kelley, Mich.	Osborne
Bacharach	Elliott	Lea, Cal.	Parker, N. J.
Baer	Ellsworth	Leibach	Peters
Beakes	Elston	Lunn	Platt
Bland	Emerson	McKenzie	Robbins
Britten	Fairchild, G. W.	McLaughlin, Mich.	Rowe
Browning	Fairfield	Madden	Sanford
Caldwell	Fields	Mapes	Sherley
Campbell, Kans.	Freeman	Meeker	Smith, Mich.
Cleary	Fuller, Mass.	Merritt	Temple
Copley	Garrett, Tenn.	Miller, Minn.	Tilson
Coady	Gillett	Moore, Pa.	Tinkham
Crago	Glynn	Moore, Ind.	Waldow
Cramton	Greene, Vt.	Morin	Young, N. Dak.
Crosser	Hawley	Mott	
Currie, Mich.	Hayes	Nolan	

#### ANSWERED "PRESENT"—3.

Good	Longworth	Lundeen
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#### NOT VOTING—70.

Borland	Curry, Cal.	Drukker	Foss
Byrnes, S. C.	Decker	Dunn	Gallagher
Candler, Miss.	Delaney	Evans	Gallivan
Carew	Dies	Fess	Gandy
Carter, Mass.	Donovan	Flood	Glass
Costello	Dowell	Flynn	Godwin, N. C.

Graham, Pa.	Junt	Moon	Smith, T. F.
Gray, N. J.	Kettner	Neely	Snyder
Hamilton, N. Y.	King	Norton	Stephens, Nebr.
Harrison, Miss.	LaGuardia	Parker, N. Y.	Sterling, Pa.
Hedlin	Lever	Powers	Taylor, Colo.
Heintz	McAndrews	Ramsey	Templeton
Hensley	McClintock	Rankin	ner
Hicks	McCulloch	Rowland	Van Dyke
Hollingsworth	McLemore	Sanders, N. Y.	Volstead
Hood	Maher	Scott, Iowa	Wood, Ind.
Johnson, S. Dak.	Mann	Sears	
Jones, Va.	Miller, Wash.	Sisson	

So the second part of the Shallenberger amendment was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. SISSON (for) with Mr. LONGWORTH (against).

Mr. LEVER (for) with Mr. CARTER of Massachusetts (against).

Mr. CANDLER of Mississippi (for) with Mr. SANDERS of New York (against).

Until further notice:

Mr. DONOVAN with Mr. DRUKKER.

Mr. MOON with Mr. GRAY of New Jersey.

Mr. DIES with Mr. VOLSTEAD.

Mr. EVANS with Miss RANKIN.

Mr. STERLING of Pennsylvania with Mr. POWERS.

Mr. VAN DYKE with Mr. LaGUARDIA.

Mr. HARRISON of Virginia. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. HARRISON of Virginia: Amendment at the end of the bill: Strike out the period, insert a colon, and add the following:

"Provided, That all those registrants who are bona fide engaged in agricultural enterprises, conducted for commercial purposes, and producing supplies in excess of the necessities of those engaged therein, shall be entitled to deferred classification as long as and no longer than they are so engaged, whether they are engaged therein as proprietors, managers, tenants, or farm laborers. For the proper enforcement of this provision such rules and regulations shall be prescribed not inconsistent therewith similar in character to those prescribed for registrants on emergency fleet classification list in sections 153, 154, and 155 of the selective-service regulations."

Mr. CALDWELL. Mr. Speaker, I make a point of order that the amendment is not germane.

The SPEAKER. The point of order is overruled.

Mr. HARRISON of Virginia rose.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken.

Mr. HARRISON of Virginia. Mr. Speaker, I desire to be heard on the amendment.

Mr. FIELDS. Mr. Speaker, I make the point of order that the demand comes too late.

The SPEAKER. Oh, no; if the gentleman from Virginia desires recognition, he is entitled to it.

Mr. HARRISON of Virginia. Mr. Speaker, how much time does that give me?

The SPEAKER. The gentleman has one hour.

Mr. FIELDS. Mr. Speaker, in view of the lateness of the hour, I move that the House do now adjourn.

Mr. SAUNDERS of Virginia. Mr. Speaker, the gentleman can not take the gentleman from Virginia off the floor.

The SPEAKER. If the gentleman from Virginia desires to proceed, he has the right to do so.

Mr. HARRISON of Virginia. I would be very glad to yield if I could have my time in the morning.

The SPEAKER. The gentleman would be entitled to the time in the morning if the bill comes up.

Mr. FIELDS. How much time does the gentleman want?

Mr. HARRISON of Virginia. There are a number of gentlemen who desire to be heard upon this amendment, and I desire to give them the opportunity to do so. For myself I want only five minutes, but I am willing to take my hour in the morning if I can get it.

The SPEAKER. If the bill comes up to-morrow, the gentleman is entitled to his hour.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Saturday, April 13, 1918, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations, customhouse and post office

at Providence, R. I., and post office, courthouse, and customhouse at Richmond, Va. (H. Doc. No. 1036); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting tentative draft of legislation for inclusion in the sundry civil appropriation bill granting authority for the construction of an additional building for laboratory purposes and research work and for enlarging and remodeling the present animal house for the Hygienic Laboratory, Public Health Service, Washington, D. C. (H. Doc. No. 1037); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. FLOOD, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 10264) to prevent in time of war departure from or entry into the United States contrary to the public safety, reported the same with amendment, accompanied by a report (No. 485), which said bill and report were referred to the House Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11143) granting an increase of pension to John A. Ott; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1224) granting an increase of pension to George Edward Blackmer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GOULD: A bill (H. R. 11407) to provide for an aircraft administrator, and for other purposes; to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 11408) to amend section 4516 of the Revised Statutes of the United States as amended by sections 1 and 2 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: A bill (H. R. 11409) authorizing the President to appoint as quartermaster assistants in the Quartermaster Corps of the United States Army certain clerks employed in the Quartermaster Corps of the Army and heretofore known as clerks, Quartermaster Corps; to the Committee on Military Affairs.

By Mr. ELLSWORTH: A bill (H. R. 11410) for the classification of members and preparation of correct tribal rolls, the completion of allotments, and the disposal of all remaining property of the Chippewa Indians of Minnesota in conformity with the agreement of 1889, and for other purposes; to the Committee on Indian Affairs.

By Mr. LUNN: A bill (H. R. 11411) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States"; to the Committee on the Judiciary.

By Mr. CHANDLER of Oklahoma: Resolution (H. Res. 309) requesting the Secretary of the Interior to furnish to the House of Representatives information as to why the Osage Indians in Osage County, Okla., were not paid the moneys due them in March, 1918; to the Committee on Indian Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 11412) granting an increase of pension to Felix Beske; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11413) granting an increase of pension to Edgar P. Spooner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11414) granting a pension to Mary E. Livingston; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 11415) granting a pension to David J. Holbrook; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 11416) granting an increase of pension to Wellington Harder; to the Committee on Invalid Pensions.



Also, a bill (H. R. 11417) granting an increase of pension to Eli Brainard; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 11418) granting an increase of pension to George W. Smith; to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 11419) for the relief of George A. Smith; to the Committee on War Claims.

By Mr. KEARNS: A bill (H. R. 11420) granting an increase of pension to Levi W. Short; to the Committee on Invalid Pensions.

By Mr. McLEMORE: A bill (H. R. 11421) granting a pension to Otilia P. Smythe; to the Committee on Pensions.

By Mr. REED: A bill (H. R. 11422) granting an increase of pension to William B. Dunlop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11423) granting a pension to Nancy J. Clark; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 11424) granting a pension to Belle S. Robinson; to the Committee on Invalid Pensions.

By Mr. STEAGALL: A bill (H. R. 11425) granting an increase of pension to William Goodwin; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 11426) granting an increase of pension to Levi Lindenmuth; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 11427) granting an increase of pension to John Stout; to the Committee on Invalid Pensions.

By Mr. WILSON of Louisiana: A bill (H. R. 11428) granting an increase of pension to Mary E. Wainwright; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petitions of sundry citizens of Chicago, Ill., relative to payment of income and excess-profits taxes; to the Committee on Ways and Means.

Also, petition of Fond du Lac (Wis.) Woman's Club, against increase in second-class postage; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of faculty of Lake Erie College, of Painesville, Ohio, against increase in second-class postage; to the Committee on Ways and Means.

By Mr. DOOLING: Petition of New York State Ice Manufacturers' Association, against increase in second-class postage; to the Committee on Ways and Means.

By Mr. CLASSON: Petition of J. B. Steele, publicity chairman, liberty-loan committee, relative to subscription for liberty loan in Outagamie County, Wis.; to the Committee on Banking and Currency.

By Mr. GUEST: Memorial of Lancaster (Pa.) Clearing House Association, relative to payment of income and excess-profits taxes; to the Committee on Ways and Means.

By Mr. GRIFFIN: Memorial of The Bronx Board of Trade, New York City, favoring pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Washington: Memorial of Northwestern Typographical Conference, opposing the admission of oriental labor into the United States; to the Committee on Immigration and Naturalization.

By Mr. LUNDEEN: Petition of the representatives of the building industry of the States of Minnesota, Iowa, Nebraska, Missouri, Kansas, South Dakota, North Dakota, Indiana, Illinois, and Wisconsin, requesting that a representative from the States mentioned above be appointed to serve upon the war emergency construction board; to the Committee on Military Affairs.

Also, petition of Machinist Helpers' Lodge, No. 959, Minneapolis, Minn., asking that Federal control of railroads be given a fair trial before return of roads into private hands; also, asking that no definite time be set for return of public roads back to private capital; to the Committee on Interstate and Foreign Commerce.

By Mr. McARTHUR: Petitions of Linn County Pomona Grange, favoring prohibition during the war; to the Committee on the Judiciary.

Also, petition of Linn County Pomona Grange, favoring law conscripting wealth; to the Committee on the Judiciary.

By Mr. RAKER: Petitions of Goodyear Rubber Co., Weir Fancy Goods Co., Frank B. Peterson Co., Cardinell-Vincent Co., and Newbauer Bros., all of San Francisco, Cal., urging support of Senate bill 3962, relative to payment of income and excess-profits taxes; to the Committee on Ways and Means.

By Mr. RANDALL: Memorial of Owensmouth (Cal.) Chamber of Commerce, indorsing employment in agricultural pursuits of prisoners of war; to the Committee on Military Affairs.

By Mr. STEENERSON: Petition of Ella D. Nicholson, secretary Woman's Club, Thief River Falls, Minn., against use of national parks for grazing purposes; to the Committee on the Public Lands.

By Mr. TEMPLE: Petition of Young Women's Missionary Society of First United Presbyterian Church, McDonald, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TILSON: Petition of Military Order of Foreign Wars of the United States, in favor of permitting the soldiers and sailors of the United States to receive decorations given by our allies; to the Committee on Military Affairs.

#### SENATE.

SATURDAY, April 13, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the comradeship of service brings us very close together in this tragic life of ours. To-day as we meet with the notice of the passing of one of the honored Members of the Senate our hearts are saddened. We thank Thee for his life and for his public service. We bless Thee that he has lived among us, bearing in all the years the white flower of a stainless life. Thou hast called him to the reward of the great beyond. Let Thy blessing rest upon us as we cherish his memory and help us to emulate all his virtues.

And now, O God, as we have come this day to the greatest crisis in our Nation's history, and in the history of the world, we pray Thee to make bare Thine arm to save. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. RANDELL and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### DEATH OF SENATOR BROUSSARD.

Mr. RANDELL. Mr. President, it is with profound sorrow that I announce to the Senate the death of my late colleague, Senator BROUSSARD, who died at his home in New Iberia, La., at 8.30 last night, after a long and very painful illness.

I shall not attempt to say anything about the late Senator at this moment, but at a later time I shall ask the Senate to set aside some hour at which fitting testimonials may be paid to the memory and public services of my deceased colleague.

Mr. President, I send to the desk the following resolutions and ask for their adoption.

The resolutions (S. Res. 224) were read, considered by unanimous consent, and unanimously agreed to, as follows:

*Resolved*, That the Senate has heard with profound sorrow of the death of the Hon. ROBERT F. BROUSSARD, late a Senator from the State of Louisiana.

*Resolved*, That a committee of eight Senators be appointed by the Vice President to take order for superintending the funeral of Mr. BROUSSARD, to be held in the city of New Iberia, La.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives.

The VICE PRESIDENT appointed under the second resolution, as the committee on the part of the Senate, Mr. RANDELL, Mr. VARDAMAN, Mr. KIRBY, Mr. KING, Mr. THOMPSON, Mr. SUTHERLAND, Mr. MYERS, and Mr. SHAFROTH.

Mr. RANDELL. Mr. President, as a further mark of respect to the memory of the deceased Senator, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, April 15, 1918, at 12 o'clock meridian.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, April 13, 1918.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, Father Soul, a living, vitalizing presence, ever working in and through the minds and hearts of the susceptible, for the larger life and grander achievements, that human happiness may be advanced.

But alas, for the perversity of human nature and the willfulness of men, we stand before Thee abashed and humiliated at the awful spectacle presented by the world in the terrible tragedy through which we are passing; brought about by the machinations, cunning, and evil designs of comparatively few, who would change the course of human events and subject mankind to the barbarous methods of militarism and autocracy.